

BOARD OF MAYOR AND ALDERMEN

July 10, 2007

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Mayor Guinta addressed the communication from Attorney Miller.

Communication from Attorney Robert Miller on behalf of NH Triple Play, LLC, requesting to address the Board regarding the following matters:

- a) separation of powers between the BMA and Board of Adjustment in cases where extreme zoning variances are sought, and the BMA's authority in such cases;
- b) City's ongoing contractual obligations to the Fisher Cats and the Eastern League pursuant to the Management and Operations Agreement and the Red Sox Agreements; and
- c) request the board's formal vote indicating its position on the propriety of the above-referenced condominium project as proposed.

Mayor Guinta stated after conferring with Alderman Lopez this afternoon, I want to also thank the Special Committee yesterday for calling special meeting so the issues could be properly aired through the committee process. Now there was a recommendation to this Board for our consideration, and certainly thank the members for allowing that opportunity for both sides to properly speak to the issue, and I will entertain any motion at this time We'll have Mr. Normand present the report and then I'll entertain a motion.

A report of the Special Committee on Riverfront Activities and Baseball was presented recommending that the Board vote to send a message to both the Planning Board and the Zoning Board of Adjustment that the Board of Mayor and Aldermen are not in favor of the proposed project at 2 Line Drive.

On motion of Alderman Lopez, duly seconded by Alderman DeVries, it was voted to discuss this matter.

Alderman O'Neil stated this is somewhat historic. Alderman Shea reminded me, I think yesterday, that the last time we got into this discussion was about a Halfway House, a Federal Halfway House in this City. There was a lot of effort spent yesterday. I happened to attend the Riverfront Committee meeting, and I really think that a lot of the items that...many of the items that Mr. Solomon and Attorney Miller presented were just 'throw them up on the wall and see what sticks.' I don't agree with their legal interpretations after discussions with Attorney Clark. I don't agree with some of their assertions about public

safety being in jeopardy. I don't agree with their comments about creating unhealthy situations for the public down there. As I said yesterday, from day one, and I was with Mayor Baines the very first discussion, we went to Lowell to meet with Drew Webber. I was on the first day. There has always been discussion about full development of that site, and in order to make the numbers work at the end, that small parcel had to be developed. We've known that from day one, so there should be no surprise that Mr. Cook and his partners have moved forward. I believe they have a purchase and sale with Mr. Catapano to develop that site. It was always: the lease from the baseball stadium, the new property taxes generated by the hotel, the new property taxes generated by the Chinburg property, and finally, new property taxes that were generated by this site. Mr. Cook is the first one who has stepped up and has actually...I need to correct myself on that, actually; we had the possible restaurant step up that went before the Planning Board and received approval. But when that did not move forward, Mr. Cook has come forward and believes he can do a condo development on that site. I think it's wrong for us to go on record against this project. In some ways it's being hypocritical. We all know that site needs to be developed, and in my opinion, if Mr. Solomon is against this, he should buy the property and do his own project there. I'm not aware of any other proposals out there besides Mr. Cook's, so I think it's a bad vote by this Board to go on record with. And, I was a little taken back by some of the items that were really thrown up in the air and thrown up on the wall to see what would stick yesterday. It was...and I believe that's what was happening. It was a show more than substance. I plan on...I would need clarification on the motion, but I plan on supporting the Cook development. Thank you.

Alderman DeVries stated thank you, Your Honor. Just...I too am thankful we had the opportunity to really air this at the Riverfront Committee meeting yesterday, and I think we did do a pretty good job of due diligence. What became apparent to me, because I think we all, as a Board, were excited to see the economic development potential of that site, and it wasn't until it became apparent to us that we were possibly looking at an either/or rather than both, that I had grave concerns. And I don't know which way lawsuits might end up. What I do know is if the Eastern League and others do have a case and do prevail, and this being a dramatic change from the property that was presented to them at the time that they entered into their agreement and contracts, the City is looking to potentially lose \$950,000 in payments that come to offset our tax liabilities on that spot. And what we stand to gain on the other side is potentially \$160,000, give or take, maybe \$200,000 if that property is built out above the \$10 million valuation. Would love to have had both projects, but knowing that we could potentially be out a million dollars to gain the \$150,000/\$160,000, I know I'm erring on the side of the taxpayers that are looking for us to protect their interests in the City. And that is why the motion went forward with a unanimous decision coming out of the Riverfront Committee. I will continue to support that motion this evening. Thank you.

Alderman Garrity stated can I ask Steve Hamilton some questions please, from the Assessor's office? I believe it was \$40 million in assessed value we're supposed to have

down there to pay for the bond for the baseball stadium. Currently what do we have for assessed value down there for all the projects.

Mr. Steve Hamilton, Board of Assessors, responded the assessed value right now is slightly under \$26 million.

Alderman Garrity stated and Alderman O'Neil is correct; it was \$40 million in assessed value just to cover the debt for the stadium so in my opinion this project's required. Other than that, the taxpayers are going to have to pay the bond. We had \$40 million in assessed value, and we have \$26 million. Is that correct?

Mr. Hamilton stated at the current time, the townhouse development by Eric Chinburg is only partially constructed. And, the mid-rise towers that are also part of the development plan have not even been started, so the \$26 million doesn't represent the entirety of what may be developed there, that is, what was there on April 1st of 2007.

Alderman Garrity asked does anybody know the date that it has to be at \$40 million in assessed value to pay for the bond for the stadium. Do you know that, Mr. Sanders?

Mr. William Sanders, Finance Officer, stated I think for the first three years we have the payment in lieu of taxes provision that will cover a portion of the debt service.

Alderman Garrity asked and when does that expire?

Mr. Sanders responded I think we probably only have maybe two more years left on that. So three years from now we would have to have the development up to at least \$40,000.

Alderman Garrity asked and what happens when we don't have \$40 million in assessed value to cover the bond?

Mr. Sanders responded the tax rate would have to increase.

Alderman Lopez stated thank you very much, Your Honor. Just a comment in the reference of the \$40 million, the letter of credits also kick in...period of about two and a half years. That is \$1.8 million, so if those condos go through with...the Chinburg has been to the Planning Board and they're still building those condos. That \$26 million is going to be getting up there pretty fast once those condos are built. That project is being watched very closely by the Economic Director. If you read your packet, in reference to what's happening down in Riverfront, I think that that's an area that we're all concerned with. We're going to watch it very carefully and make sure that those condos go up as fast as possible, which they're at the Planning Board now. I have no questions for the City Assessor other than a comment I'd like to make in reference to the vote that we're taking. It was a very tough

decision on the Board, as far as I'm concerned. It's a situation that they're right and they're wrong. And somebody has to make a decision. I think we made the right decision in the best interest in the City. We invested all the money into the Fisher Cats stadium and we did not address the legal aspect of this whole where it's going to go and what's going to happen because that's not our job. We have looked at all the documentation that has been presented to us and made a judgement call, a judgement call that was not in the best interest. And all we're doing is we're doing is sending a message to the Zoning Board and the Planning Board. They have the fiduciary responsibility. If they want to turn around and do it, and give the permit to build those condos down there, that's their prerogative. The only thing that we're doing is saying that we don't agree it's in the best interest of the City. We've invested too much money. Thank you, Your Honor.

Alderman Duval stated thank you very much, Your Honor. This is certainly a complicated project. I wasn't on the Board at the time, and I couldn't even begin to get my arms around all the different components and certainly be in tune with all the discussions that took place up to the approval of building the facility, the Fisher Cats ballpark and the surrounding development. I do know that it is very complicated and the City has collaborated with and cooperated with Development and developers and owners of the ballpark to develop that parcel and turn it to something that's beneficial to our community. We are certainly in partnership with all the players that are involved, and for that reason I think this requires precedent-setting and action by this Board to voice their position on the matter here tonight. It's very significant. I think the consequences could be rather troubling, should the proposed development go forward, in my view. I don't know...One of the first visits I made as a new Alderman down to the ballpark, and I'm looking at this small postage stamp of a piece of land and wondering why there was nothing on it. I didn't understand why it wasn't just paved over and turned into parking, quite frankly. That was my sort of layperson's viewpoint. And then I heard after the fact, after asking some questions of some people that have been around a lot longer than myself as to what the proposed use was of that postage stamp lot. And quite frankly I was taken aback when I heard that it was going to be developed and something was going to be built on it. I just don't see the compatibility of developing that parcel. Now maybe it was oversight and maybe it was wishful thinking by past Board members to think that that could have accounted for significant revenue by the way of taxation. I don't know, but when you look at the proposal Line Drive lost for this multi-family housing project, quite frankly I was somewhat dumbfounded. I just cannot see that size of development going in that area. I see it as being completely incompatible. It's so interesting how two people can look at the same document...I'm referring to the one that Mr. Solomon forwarded to Aldermen dated July 3rd. I was very persuaded by it, quite frankly, Alderman O'Neil, and I don't see it as sort of Mr. Solomon throwing something at the wall, hoping some of it will stick. I really don't see it that way. It's rather persuasive. I've read it several times and quite frankly, I find it very convincing. And I'm speaking as a new member of the Board, and somebody who really has no personal interest one way or the other. I'm not terribly familiar with any one of the players, so I can't say that I'm persuaded

one way or the other, except for just relying on the facts that have been presented to me. It just occurs to me that this is a real misfit and misuse of application for development. And I feel badly that revenue was estimated for this parcel to offset the bond costs, but it just doesn't make sense to me and I'm trying to be fair about it, trying to do my due diligence and getting all the information, but it just doesn't seem right to me, and therefore I will support the motion tonight to send a message to Planning and Zoning that we have great reservations about the project and expressing our viewpoint. Thank you, Your Honor.

Alderman Shea stated thank you, Your Honor. I'd kind of want to go back to what Alderman 9 was indicating. The total bond is \$1.8 million. Mr. Solomon and his ball team pays \$950,000 to lease the park. The hotel...I'm not sure how much that is assessed for but let's say \$10 million...probably \$200,000, which would bring it down to about \$650,000, and then some of the condos have been bought and some of the condos obviously are in the process of not being sold, apparently. But Mr. Sanders, could you indicate without necessarily the coverage that Chinburg has to... letters of credit. How much are we really short if in fact there is nothing done for the next two years? In other words, what I'm trying to get at is, that Mr. Solomon pays a large portion of that \$1.8 million right now. I mean, obviously he's doing the City a great service, so could you weigh in on that, Bill?

Mr. Sanders responded yes. A couple of pieces of information: for the year just closed, for fiscal 2007, the debt service on the \$25 million in bonds was \$1, 787,000. Mr. Solomon paid \$750,000 for his lease payment on that stadium. It ramps up to the \$950,000 eventually as the debt service ramps up, but today it's \$750,000, leaving a net amount to be covered of \$1, 037,000 last year. We collected in taxes, or will collect in taxes for this year on that \$26 million of valuation that Mr. Hamilton just mentioned, about \$450,000 of taxes, and we have received payments in lieu of taxes I believe of approximately \$300,000 this year. So that still leaves us short for the year just ended by about \$300,000 because the valuation was not at least up to \$40 million.

Alderman Shea stated all right, so within the next two years, if in fact...I don't know. One of the Aldermen seems to be a little bit...I don't know. Mr. Gatsas, did you have something that you wanted to say? So you're saying that within the next two years a letter of credit will cover whatever that is, barring some mathematical error that Mr. Gatsas picked up in his mind, I guess, and will call it to our attention, but then if, in fact, the necessary provisions...Chinburg doesn't build those condos, then the City would have to make up the \$300,000. Is that what you're saying?

Mr. Sanders stated yes, that's what I'm saying. The other thing that's happening and has happened is that the \$40 million of valuation would have covered the shortfall, if I can call it that, at the tax rates, the property tax rates that were in effect at the time the stadium was approved. And we've obviously gone through a revaluation and the tax rate has fallen down

to \$17 per thousand square foot, so we actually need more than \$40 million of development to make up the shortfall.

Alderman Shea stated all I can say is a bird in the hand is worth two in the bush. But go ahead, Mr. Gatsas.

Mayor Guinta stated we've got a few others and then I'll get Alderman Gatsas. Right now Alderman O'Neil, then Long, then Osborne.

Alderman O'Neil stated thank you. Just a couple points: Alderman Duval brought up a very good point about why this piece of parcel is the way it is, and I think Mr. Duval is here, who actually laid out the majority of the site, if not all the site. It was actually needed, and if we didn't get the assessed value from that property...and I always stand corrected...It was my belief that if we didn't get the assessed value of that property, it didn't work. So that site needed to happen. I remember that the engineers weren't particularly thrilled about it. But it had to be put in there to make the entire financing package work. Without it, the financing package didn't work. It was short. Secondly, Alderman DeVries brought up some of the legal issues. It's my opinion in conversations with our own legal counsel, that some of these legal issues that were brought forward have no standing with us, that they were in some ways fluff, to be honest with you. So, I certainly am not going to...don't like to take what I'd interpret as threats in some of these letters regarding the legal issues. I'm not sure they have any standing. Thank you, Your Honor.

Alderman Long stated thank you, Your Honor. I read what Mr. Solomon had and listened to his concerns. I also was at the meeting last night and heard those concerns again. I'm not determining whether or not those concerns are valid or not. Personally what I'm determining is whether or not the Zoning and the Planning Boards could do their due diligence in addressing those issues. As a representative of this Board on the Planning Board, they do their due diligence with respect to abutters who have concerns. I feel that this Board should not weigh in on this. I understand, and I certainly don't want to jeopardize any relationship we have with the baseball stadium currently. I do believe the taxpayers were sold a goods whereas we were to develop this area. What I say is let this project go through its course and let the Zoning and the Planning Board determine whether or not it fits and address all the concerns that Mr. Solomon does have. Therefore I'll be opposed to...I'll be in favor of supporting this going forward.

Alderman Osborne stated well, basically I guess I'm playing a neutral field here. I know there was myself at the time. This is going back a little bit when it first started. But anyway, myself and I think there's three other Aldermen that voted against this project of baseball altogether. So I am playing a neutral field here. I have never met with Mr. Solomon. I have never met with anybody because I just didn't feel that the City of Manchester at the time needed a baseball field. Basically, with three percent of the population going to it and 97%

of the population paying for it. So I am playing quite a neutral field along with three others in here. So I feel this way here. The Board, all we could do here is give a recommendation to the Planning Board like Mr. Long said, to the Planning Board and the ZBA, and I think this is the way it should be. I like to see some construction down there. I like to see tax dollars like everybody else. But I like to be fair with everybody too. I have sour taste against either one of them. But I am in a neutral field which makes me feel good, so I would be more to abstain from any voting here and I think it should go along to the Planning and the Zoning Boards. Thank you.

Alderman Gatsas stated thank you, Your Honor. I was trying to rummage through some documents that I sort of kept under my desk, but it would take me the better part of an hour to find what I'm looking for because that project has taken so many turns since we first started down this road. And I'm sure that probably Alderman Smith has been biting his fingertips over there. The evaluation of that lot of 11,000 square feet has gone from: 'We need to keep this piece of property to make sure that a site for the Red Sox store has the availability to be put in.' That's what that original plan was. I remember asking the question, 'Eleven thousand square feet? How are we possibly going to put a building on there on a commercial value that's going to generate what we thought we needed for a tax base?' But I guess I go back to where Mr. Sanders was; the total debt was \$1,787,000. There was a lease payment of \$750,000, which left a balance of \$1,037,000. We said we collected taxes of \$450,000, which leaves a balance of \$587,000. I guess my question is, 'Why weren't those letters of credit drawn down to the full \$587,000 because that was the agreement that, my understanding was, we were supposed to have?'

Mr. Sanders responded we drew down the letter of credits for approximately \$300,000, which was based on the commitment on valuation that would be in place versus what the actual valuation was that was in place, times the current tax rate. And the current tax rate is \$16.85 per 1,000. So we could only draw down in lieu of taxes to the extent of \$16.85. I think, not having been here, but when the original \$40 million was developed, the tax rate was \$25 or something like that. But the contract provides for valuation, not for tax revenue being covered, but valuation times the current tax rate, or at least that's how we've interpreted it.

Alderman Gatsas stated right. And the balance is supposed to be drawn down on the letters of credit. Whatever that is. There is supposed to be no impact to the taxpayers of this City. Has nothing to do with tax rate. Has nothing to do... That tax rate could drop to ten dollars per thousand. It has to do with the letters of credit being in place to protect the taxpayers of this City. So what you're telling me is the taxpayers are subsidizing this deal to the tune of about \$300,000.

Mr. Sanders stated I could double check with the Solicitor on a couple of things in the contract, but that's my current understanding. That's right.

Alderman Gatsas asked Tom, can you give a clarification please?

City Solicitor Clark responded I'd love to try.

Alderman Gatsas stated I'm sure the taxpayers are waiting for that explanation.

City Solicitor Clark stated it wasn't my understanding that the taxpayers took any hit on this and there was a draw down, but I would need to sit down with Bill Sanders and go over exactly what happened and get back to you. I don't know at this point, Ted.

Mayor Guinta stated I would appreciate it if you could get something in writing to the Board after this meeting to clarify where we are to this point and what would be occurring...I believe the payments are escalating payments as well. Let's find out also the final date of the draw down and the expectation of additional units coming on line and what that financial improvement would be. So probably someone from the Assessor's office needs to be in that meeting too.

Alderman Gatsas stated Your Honor, I certainly would defer to the Chairman of the Board and the Chairman of the Riverfront Committee, but I certainly would like to prompt him into calling a special meeting so that we know exactly, specifically what the conditions are of these agreements and whether the taxpayers are paying or not paying. Because I think it's a vital concern, when we entered into this project that those letters of credit were going to be drawn down and protected the taxpayer. So certainly I don't think we should be waiting until the August meeting to get this answered. I think it should be a lot sooner than that.

Alderman Shea stated just a point of order. I know that when he gave me a resume of the amount of money, didn't he say something in lieu of taxes or something like that when you mentioned that? Where did you get that figure? How did you get that in lieu of taxes, Bill? Where did you get that money from?

Mr. Sanders responded we drew down the letter of credits.

Alderman Shea stated but, in other words, did you draw the line of credit predicated upon the \$500,000 or the \$300,000? Because when you gave me that figure of \$587,000, after drawing down the \$750,000 and the \$450,000, you said that there was a...well I computed a difference of \$287,000, which means that if we drew on \$300,000, somehow or other, something has to account for that \$287,000. I don't know where it came from. Is that what he's referring to as taxpayers' money or is he referring to something else?

Mr. Sanders responded the Alderman is referring to that as the taxpayers' money and asking why we didn't draw down on the letter of credit for it, and I would have to do some additional work with the City Solicitor to determine that.

Mayor Guinta stated I'd like to get that meeting done as quickly as possible, get a complete written explanation to the members of the Board. If an additional meeting is warranted then it would be called but I think the written documentation would probably clarify the existing payment issues and then what our expectation is for additional development and how much that would represent in terms of completing the bond payments for future years.

Alderman Lopez stated I think it's a good point and I don't want to make any excuses but I think an opportunity needs to be given to the Finance Officer to go through this process and provide us this necessary information to make sure that we are using tax dollars versus letters of credit and get the actual numbers from the City Solicitor and I would also include the City Assessors and the Solicitor to sit down and review because now that we have new people running the finance system they might not have the answers on top of their heads so I do agree with you and as soon as we receive that letter I will call a special meeting of the committee.

Alderman Garrity stated I'm a little taken aback that the Finance Officer is not up to speed on this stuff...this is on the agenda. I think there's really no excuse for that he must have known that these questions were going to come up. What was your date of hire, Mr. Sanders?

Mr. Sanders replied my date of hire was March 21st.

Alderman Garrity stated it wasn't last month...you really need to be up to speed on these numbers...this is important...the taxpayers were not suppose to take a hit for this bonding and we should have those answers tonight rather than in a letter sometime this week or something.

Alderman O'Neil stated this is nothing personal against Mr. Solomon or against the Fisher Cats I just think he's wrong with his position on this. The Board has an agenda item, item W that we're going to be supporting the Fisher Cats regarding an extension on some hours for a concert we want them to succeed down there so I just want Mr. Solomon to understand that. I just think he's wrong with his position on this project.

Alderman Smith stated way back in about 2002 I proposed because I was very interested in Gill Stadium for our youth...I proposed helping out with this project and I don't care who says what the primary source of this whole project was a baseball stadium. Now when they first originated the project it was a power plant, it was retail and neither one materialized. The baseball stadium is the key and people have got to realize that this baseball stadium has

brought in a lot of money to downtown Manchester...to the restaurants and so forth just like the Monarchs have and I'd like to say I have to agree with my colleague from Ward 2 (Alderman Gatsas) in regard to the letters of credit. We should be finding out whether the taxpayers are subsidizing this or not but in all fairness to all parties concerned Chinburg hopefully he gets the development done. The retail was a bust from day 1, it was power and smoke or whatever you want to call it. But, in all fairness to everybody involved this was a good project...baseball was the key to the whole project and anybody else tells me different I can't believe it.

Mayor Guinta stated a roll call vote requested by Alderman O'Neil. Could you repeat the motion please.

Deputy City Clerk Johnson stated the motion is to accept the report.

Alderman O'Neil stated the report is.

Deputy City Clerk Johnson stated the report reads:

A report of the Special Committee on Riverfront Activities and Baseball recommends that the Board vote to send a message to both the Planning Board and the Zoning Board of Adjustment that the Board of Mayor and Aldermen are not in favor of the proposed project at 2 Line Drive.

Roll call vote was taken. Aldermen O'Neil, Garrity, Thibault and Long voted nay.

Aldermen Lopez, Shea, DeVries, Smith, Forest, Roy, Gatsas and Duval voted yea.

Aldermen Osborne and Pinard abstained. The motion carried.

CONSENT AGENDA

Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Polls Conducted

- A.** On June 12 & 13, 2007 approving the policy of "piano key" styled crosswalks.
(Unanimous vote)
- B.** On June 18, 2007 approving a request of the American Red Cross for "GIVE BLOOD HERE TODAY" signage at the corner of Reservoir Avenue and Mammoth Road and Mammoth Road and Bridge Street.
(Unanimous vote)

Pole Petitions – Approve under the supervision of the Department of Highways

- C.** PSNH Pole Petition #11-1159 located on West Pennacook Street; and
PSNH Pole Petition #11-1160 located on South Willow Street.

Sidewalk Petitions (50/50 Program FY2007) – Approve subject to the availability of funding

- D.** Communication from Jay Davini, Public Utilities Coordinator, requesting approval of sidewalk petitions.

Informational – to be Received and Filed

- F.** Copy of a communication from Alderman Lopez to Committee on Accounts, Enrollment and Revenue Administration recommending the Finance Officer and City Solicitor begin immediate review of biennial budgeting with the Committee on Accounts with a report to the full Board by December 1, 2007.
- H.** Manchester Health Department Monthly Report Summary, June 2007.
- I.** Communication from Jennie Angell, Acting Information Services Director, advising of having entered into a 6-month pilot agreement with FusionConneX to provide public, fee based Wireless Internet Access (WiFi) at Livingston Park.
- J.** Communication from Robert MacKenzie, Director of Planning, providing additional information of two CIP accounts dealing with South Willow Street.
- L.** Minutes of the Mayor's Utility Coordinating Committee meeting held on May 18, 2007.
- M.** Minutes of the MTA Commission meeting held on April 24, 2007 and the Financial and Ridership Reports for April 2007.

REFERRALS TO COMMITTEES

**COMMITTEE ON BILLS ON SECOND READING
(Concurrent Referral to Public Hearing
on a date and time to be scheduled by the City Clerk's Office.)**

- P.** Rezoning petition submitted by Southern NH Planning Commission for property located at 438 Dubuque Street.

REPORTS OF COMMITTEES

**COMMITTEE ON ACCOUNTS, ENROLLMENT
AND REVENUE ADMINISTRATION**

- R.** Recommending that a proposed Business Expense Policy for the City be updated and approved as enclosed herein, with the addition that those traveling to conferences and training paid by the city provide a report to the Board following attendance to advise of the activities learned. The Committee notes that it requested the Independent City Auditor to provide the policy with portions changed or updated highlighted.
(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)
- S.** Advising that it has referred the enclosed communication from Alderman Lopez to the Finance Officer and City Solicitor for review and report.
(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)
- T.** Advising that it has accepted the City's Monthly Financial Statements (unaudited)

for the eleven months ended May 31, 2007 and is forwarding same to the Board for informational purposes.

(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)

(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)

U. Advising that it has accepted the following Finance Department reports:

- a) department legend;
- b) open invoice report over 90 days by fund;
- c) open invoice report all invoices for interdepartmental billings only;
- d) open invoice report all invoices due from the School Department only;
- e) listing of invoices submitted to City Solicitor for legal determination; and
- f) accounts receivable summary.

and is forwarding same to the Board for informational purposes.

(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)

(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)

V. Recommending that the 3rd and 4th quarter FY2007 write off list for the accounts receivable module be approved.

(Unanimous vote with the exception of Aldermen Thibault and DeVries who were absent.)

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

W. Recommending that a request of the NH Fisher Cats to extend the entertainment curfew from 10 PM to 11 PM on Friday, August 17, 2007 for a concert at Merchantsauto.com Stadium be granted and approved under the supervision of Fire, Police and City Clerk's office.

(Unanimous vote)

COMMITTEE ON BILLS ON SECOND READING

Y. Recommending that Ordinance:

“Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by expanding the Residential Parking Permit Zone #1 in Section 70.55(D)(1) to include a portion of Elm Street.”

ought to pass.

(Aldermen Duval, Lopez, Garrity and Pinard in favor. Alderman Gatsas opposed.)

COMMITTEE ON COMMUNITY IMPROVEMENT

Z. Advising that it has received a presentation regarding a potential storm water utility for the City and has concurred with the Highway Department's intention to engage a low cost feasibility study of such a program with informational reports anticipated to be made to the Committee and Board at a future time in the December to March period.

(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY, HEALTH & TRAFFIC

AA. Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

**ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN
PINARD, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

- E.** Communication from Alderman Garrity submitting signed petitions of residents and neighbors in and around South Willow and Parkview Streets requesting the Board deny the rezoning petition submitted on behalf of Auto-Torium.

Alderman Garrity stated about three weeks ago I spent a couple of hours on a Sunday afternoon...this has to do with the South Willow Street and Parkview issues with Auto-Torium...spent about two hours on a Sunday afternoon and every door that I knocked on was willing to sign a petition and basically what the petition is is to deny the request for Auto-Torium. After speaking with their attorneys and some of my colleagues on this Board the owner of Auto-Torium has agreed to set up a meeting with the whole neighborhood not just the abutters and that meeting everybody who signed the petition. So what I'd like to do with this request is let that meeting take place, see if anybody is satisfied...I think after talking to the neighborhood that Sunday afternoon I don't think they're going to be satisfied but we can at least try. So rather than receive and file this request I would like to attach it to the two tabled items currently on the table (item 28).

Alderman DeVries duly seconded the motion.

Alderman DeVries stated I thank Alderman Garrity. I think what he is suggesting tonight is what I was trying to suggest a few weeks ago at our last meeting. This developer I think can be cajoled into making some improvements on his property which would benefit the abutters in the immediate area. Whether or not this project goes forward I would agree with Alderman Garrity that I don't know that the neighborhood will ever feel comfortable with that rezoning. I do believe that they would like to see some improvements to the property and I think having this meeting moves us in the direction of that occurring.

Alderman Garrity stated just to follow up on those words. After the meeting happens I don't think the neighborhood's going to be pleased and if they're not I will be back to this Board to ask my colleagues to deny the request but let's give it a chance to see if some people can get pleased but just from the comments that I got going door-to-door with the petitions a couple of Sunday's ago I don't think that's going to happen but we'll give it a try and that is suppose to happen within the next week or two. Mr. Craig did call me today...I did not have a chance to call him back and I would assume that was for a meeting date with the neighborhood but I just haven't had a chance to call him back. At our meeting in August I don't want it sitting on the table for six months so if they can't please the neighbors over there I will be in asking my colleagues to support the motion to deny.

Alderman O'Neil stated just a question for Alderman Garrity...can you just let us know whenever the date of that neighborhood meeting is.

Alderman Garrity stated as soon as I find out.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- G.** Copy of a communication from Alderman Lopez to Committee on Community Improvement requesting the BMA have the Finance Officer, City Solicitor and Bond Counsel (if needed) review the possibility of using Rooms and Meals Tax money in the future for Storm Water Utility/Sidewalks/Streets.

Alderman Lopez stated when I sent out that letter June 19th in reference to the four reserve accounts that we had I brought it before CIP and they were dealing with the utility storm water drain that I guess through state law authorizes the City to do. What I'm asking is to refer this letter to the Finance Officer and to review the accounts that we have like the Revenue Stabilization Reserve account and see if the things that are in the account today apply today. I know one of the concerns that a lot of the Aldermen and yourself are concerned with sidewalks and roads and right now we put 50% into the Rainy Day fund as we know it which is the Stabilization Reserve account and after they review it to come back to the Accounts Committee or the Committee on Administration with any type of changes that maybe the Finance Officer wants to make after they review the four accounts that are listed in the letter. I think it's important. It was mentioned that sidewalks were important and roads were important and putting 50% now that we have \$10 million in the Stabilization account...how much is enough before we can use some of the money whether it's 10% or 25% of that into the sidewalks and roads. So I'd like to give them an opportunity and refer this letter to the Finance people and the City Solicitor to come back to the Committee on Administration with recommendations for the Board.

Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

- K.** Communication from Deputy Chief Lussier providing an update of the Police Canine Unit.

Alderman Gatsas stated if the Deputy Chief is here my question is in the last sentence it says "as a point of interest, we remain two canines shy of our complement of nine, and some of our more senior dogs are nearing the end for their careers". I guess my question is we've spent of the \$56,025 are we going to use the balance of the \$31,000 to try and find more canines?

Deputy Chief Simmons replied my understanding is that that money has already been determined. When we received that money at the end of the fiscal year it is our understanding to keep that until we can bring the total up to nine.

Alderman Gatsas asked can somebody tell me if that balance of the \$31,000 has been returned to the City? I'm sure it has I just want to know where the accounting of it is and

whether we can take it back out and give it to you so you can make sure you bring the complement of canines up to where it should be. Your Honor, is there any way that we can take that \$30,000 and send it back to Police with the stipulation that they reach their full complement for canines?

Mayor Guinta replied I have no objection.

Alderman Forest duly seconded the motion.

Alderman O'Neil stated three officers graduated which was the intent and that brought us up to eight.

Deputy Chief Simmons replied it brought us up to seven. Is there a school coming up?

Alderman DeVries stated this goes to why I pulled item Q off of the agenda so we're just having the discussion a little bit early. I happened to be at home watching the Committee on Public Safety this evening and they had a very active discussion about needs at the Police Department and a list of priority items that need to be accomplished which included tasers and radios I believe was the number one priority that there's been a shortfall of funding and that seemed to be rather urgent. So before this Board takes a vote on the canine which I'm sure was on that list and it's a list that the Aldermen have never seen I think the Mayor saw it and I'm sure it will be forthcoming to all of us now so you can gage us all in conversation on that but is the canine above the radio scenario that was...I don't think you were at the meeting so I know. If you asked me I would side with the canines all the time...would be my personal preference but this really should be a decision that if there are some dollars that can be spent by the Police Department for an urgent need I think the Police Department ought to weigh in and tell us with that twenty odd thousand would be their highest use rather than us picking for you and I'm hoping that maybe the committee would amend this to a more generalized release of the dollars back to the Police Department to fill their most urgent priority and to coordinate that with CIP if necessary.

Alderman Lopez asked is any of the roughly \$30,000 I guess we're going to use...is that fund balance going for 2008?

Mayor Guinta replied no I don't believe so that's aside from the fund balance projection for 2008.

Mr. Sanders stated we're still closing the books and we're still in the process of closing the books for June 30th...there's still items coming in but the \$30,000 was reflected on the submission that we received from the Police Department as an unspent expenditure.

Mayor Guinta stated you included it in the \$1.6 million figure then.

Mr. Sanders stated yes it is included in what I talked to you about yes.

Mayor Guinta stated the projection today is \$800,000 for fund balance but the books have not been completely closed correct.

Mr. Sanders stated correct we're still waiting for final payable information in some areas and some additional revenue information that's not yet final and we'll probably be another 10 days.

Mayor Guinta stated we could either table this.

Alderman Lopez stated I have a suggestion if the members would go along with it. I think there's some paperwork that has to come back...the Public Safety I believe the priorities...what I would recommend is not to disturb the fund balance going forward but taking it out of contingency for 2008 if they need something.

Mayor Guinta stated out of contingency now.

Alderman Lopez stated from contingency now after we find out exactly what they need.

Mayor Guinta stated so rather than acting this evening you're saying finalize the needs list so no action would be this evening but at the next meeting is that what you're saying?

Alderman Lopez stated that's correct, your Honor. The fund balance going into 2008 that money is already counted so that's less money we're going to have to put in the Stabilization account.

Mayor Guinta stated I would feel a little more comfortable with having an action after the 2007 books are closed and we know exactly where we are. We're very close to completing another ten days you said...we're at \$800,000 for fund balance which is a better projection of where we were six weeks ago when we had the spending freeze. So if it's possible maybe we could have a tabling motion on this...either that or bring it up at the next meeting whatever the maker of the motion would prefer.

Alderman Shea asked did you get a reply about tabling it?

Alderman Gatsas stated I think this is probably the best point that we should start understanding where we are in the budget process because we're taking \$1.6 million, we're putting \$800,000 into a Rainy Day fund that's close to \$10 million but to accommodate that we're taking \$800,000 that we have to meet in the fund balance. We should stop doing this magical budgeting and get rid of fund balances and say that they don't exist because to me

the fund balance we're putting it to the detriment of the taxpayer...there's no question. The process that we're in we should just eliminate this fund balance and say it shouldn't be there.

Mayor Guinta stated and have all of it go to the Rainy Day fund.

Alderman Gatsas stated no. The Rainy Day fund is at a point right now that I think is an excess and just because we keep telling departments we've got to slow down we take the money and put half of it in the Rainy Day fund and have half of it lay on the books.

Mayor Guinta stated I believe that's by ordinance though correct.

Alderman Gatsas stated right but if you change the position and say that the fund balance is zero in the budget we propose if that fund balance is zero then we have a much more truth in budgeting as we go forward. We're not saying that we've got to put a match before we can get to the fund balance we've got to match that in the Rainy Day fund.

Alderman Lopez stated I have no qualms about you being right if you would start it from first base but unfortunately we as a Board and the Mayor put \$750,000 in fund balance going forward...there's always been a fund balance moving forward in order to put money in the Stabilization account and that's the reason for my letter to have the Finance Officer look at. Maybe in future budgets that's probably what we should do. So know up front that the numbers are not being thrown in the fund balance for whatever the case may be...we can spend that money for what we need to do. The only thing I'm saying now is that if we take that money out of 2007 for the fund balance going to 2008 when we put \$50,000 into contingency for emergencies so that we go through the process this year when they go to DRA with the \$750,000 that the budget will be balanced and the taxpayers will get a tax break whereby we could take \$30,000 whatever priority project the Police Department has...they probably have 10 or 15 priority projects that they need to do a little more than that but it won't take away from the fund balance this time around. I think we ought to table it until next month.

Alderman Shea asked I'm not sure are we going to table it or not or are we just going to talk about tabling it all night.

Alderman Forest stated I just have a question for Deputy Chief Simmons...I know he wasn't at Traffic and Deputy Chief Lussier was here but I was watching it on TV and there was a great discussion about the portable radios. I don't know if anybody on Traffic picked it up I know I did right away because I've lived through this many years ago with a radio system that didn't work but Deputy Chief Lussier mentioned that the radios they have are 10 years old and they're a guaranteed life span of five years so that sort of tells you something right there that they're already five years beyond their life span so I don't think we should be

waiting too long to get those radios. I know you're waiting for a report but I don't think we should be waiting too long to replace those radios.

Alderman O'Neil asked is there any immediate need on the canines. I know the last time there was a need the State Police were running a school and we needed to make a commitment that we were going to send three officers and three dogs to that school. If this got tabled a month is that going to create any issues for the Police Department. I'm sure you have a number of applicants that are interested in becoming handlers. I do agree with Alderman DeVries that unfortunately with the letter regarding the radios it was the first I'd heard of the great need for radios at the Police Department but I do think equally important is this canine issue. I will note I saw on TV with this bank robber and thank God it was the bank robber it was but you actually had to call in the State Police trooper with a dog because there was no City canine units on duty so if for some reason that bank robber was a more hardened criminal than the one who robbed the bank these canines proves invaluable in those types of situations so I think they're equally important. I think we need to have a little bit and Deputy Lussier was asked to have the department present a priority list of the capital issues and also an understanding of how many...there had to have been radios replaced over the years. So, we're looking for a number...that number and I think this understanding and I wish I could say the word...I never can...the ability to talk to other communities...that is called...interoperability...I know there's some of that going on which kind of...I'll speak for myself...I thought it was the new radio we're buying but it's actually two systems. So I think we need to have a little bit better understanding of that so I think both items are very important and with that I'm fine with tabling this issue then if there's no immediacy.

Mayor Guinta stated let Alderman Roy make a final vote and then we'll either vote or table.

Alderman Roy stated I'm glad I started this conversation with being a pest to the Police Department. We're sitting here 10 days before our books are closed with monies going to fund balance, money going to as Alderman Gatsas said a very well funded Rainy Day account and our entire line item for radios and communication within the City of Manchester which is in the Fire Department line item not even the Police line item is under \$50,000 per year. There was a CIP request that never made it to this Board or never made it to fruition and here we are with an admitted almost \$100,000 in fund balance...we should be taking action. Right now \$1.6 minus \$750,000.

Mayor Guinta stated half goes in.

Alderman Roy stated if it is not spent.

Mayor Guinta stated half goes in the Stabilization account so we have \$800,000...we budgeted for \$750,000 so it's only an extra \$50,000 not \$100,000.

Alderman Roy stated the number was \$1.6 correct.

Mayor Guinta stated right half of it was \$800,000.

Alderman Roy stated if we spend \$100,000 of that before we close the books of FY07 that leaves \$1.5 half goes to Rainy Day \$750,000 and have completes the obligation of \$750,000 to your budget correct. Mr. Sanders correct me if I'm wrong.

Mr. Sanders stated yes if we spend \$100,000 on the radios and no other adjustments come in in the next week we would end up with a surplus of \$1.5 million and half of that would go to the Rainy Day fund and the rest would go to surplus.

Alderman Roy stated that would complete what the Mayor budgeted for a fund balance of \$750,000 and left in there of \$750,000 so my comment at the Public Safety meeting was we have the priorities, we have the budget closeout, we can at least partially do this with no impact to the taxpayer...let's get their number one priority done. We shouldn't talk about doing it in August or getting an extra study. We've had two Deputy Chiefs sit in front of us and say this is their number one priority. They asked for \$175,000...my request at the Public Safety meeting was that it get referred from Public Safety to this Board that working with City staff we find the \$175,000.

Mayor Guinta stated which is fine except the books haven't been closed yet. So today we're at \$1.6...we may not be there tomorrow so that's still an issue that's pending. I know Mr. Sanders wanted to make a comment.

Mr. Sanders stated yes I did. We're in the process of closing the books and we are still looking back at what June 30th really looked like. I would not feel comfortable waiting until August to decide how to spend money at June 30th. I think the closer to the balance sheet date if I can use that date June 30th that management makes decisions about what they're going to spend money on and not spend money on is more appropriate. It's not a best practice to be sitting out there in August and September and deciding that you're going to spend money with surplus in June...you need to make that decision tonight and in a perfect world we should have made it on June 30th.

Mayor Guinta asked how do we make the decision tonight if we don't know what the surplus is? If we spend \$100,000 tonight and then next week you come in and tell us it's \$1.5 minus the \$100,000 then we don't meet the fund balance obligation.

Alderman Roy stated the motion I was going to make, your Honor, is whatever day Mr. Sanders tells us he has actual numbers, is ready to close the books we have a meeting 24 hours later and make these decisions so he can close the books. I want actual numbers like you do and I don't want to not meet our fund balance number which was budgeted for but I

do want to take care of some of the high priorities in the City so that being said I would ask if it takes a week or ten days that we have a special meeting the day that Mr. Sanders tells us he's ready.

Alderman DeVries stated I'm just thinking if we enable you, your Honor, with a vote tonight saying that we are behind the effort to fund the number one priority for the Police Department at \$175,000, ask you to deal with that as soon as you can have the numbers from the Finance Department and if you are not able to to call a special meeting at that point in time. If you're not able to deal with it with the end of the year.

Mayor Guinta stated I have no objection to that but we still have a motion on the floor that we've got to address first before we deal with that.

Alderman O'Neil stated maybe Deputy Chief Simmons could tell us where the \$175,000 came from. Sometimes he's budgeting numbers and sometimes they've reached out to some vendors and have gotten some real numbers. My question would be we give you the approval to do this radio issue and/or the canine issue if we want at the same time and then the radio number is really \$200,000 or it's really \$150,000 I guess my question would be for Mr. Sanders how does that affect things or does it? Do you understand my question, Bill? In one letter there's a number that says \$175,000 for the radios...oops, Tom is going to jump in here.

City Solicitor Clark stated can I talk to the Finance Officer for a couple of minutes, please.

Mayor Guinta stated this is what we're going to do...you can do that. I'm not comfortable spending another penny until we know what the amount of the '07 books are and they have to be closed. So I will either...we do have a motion on the floor so let's see if that passes or if it's going to be tabled but subsequent to that motion I will either entertain the direction of the Board to allow me to spend it if it's identified or I'll call a special meeting next week.

Alderman Lopez stated just a clarification. I have no objection in you spending the money I just want to know from the Finance Officer are you saying to spend the money providing there's \$750,000 in fund balance.

Mayor Guinta stated correct.

Alderman Lopez stated that's what I want to clear up.

Mayor Guinta stated I don't believe it's in the best interest to spend the money if we don't meet the fund balance obligation which stands at \$750,000. I need to know from Alderman Gatsas if you'd like that motion to stand or if you'd like to amend it or table it.

Alderman Gatsas stated I didn't go from \$30,000 to \$175,000 I was just hoping that the largest City in the state would have a complement of canines that we don't have to keep running to the State Police to do the work that we need in this City done. It really bothers me because this discussion didn't just surface last week. Alderman Roy brought it up months ago so if you didn't spend the money to get canines it's not because the Board didn't give you the ability to do it and it's not because there's a shortage out there because I know there's an awful that you could have chose from and I don't know why there's such a delay in getting to a full complement.

Mayor Guinta asked what is the wish.

Alderman Gatsas stated I guess I will withdraw my \$30,000 motion.

Mayor Guinta asked who made the second.

Alderman Forest replied I did and I will withdraw my motion also.

Mayor Guinta stated so we're in agreement that we'll close the books, we'll get the response from the Finance Officer and would you like a special meeting.

City Solicitor Clark stated I think it's incumbent upon me to at least make a voice here. By law you appropriate money for a fiscal year...the fiscal year ended June 30th...whether you close out your books or not the fiscal year is over. Now you may be able to spend the money on the canines because it was appropriated for that purpose and it's probably alright but if you start taking money that was appropriated last year and spending it this year I think you're in trouble of violating the law.

Alderman Gatsas stated thank you, Mr. Clark. I guess I won't withdraw my motion.

Mayor Guinta stated there a motion on the floor seconded by Alderman Forest.

Alderman Garrity stated how about if we send the other request to CIP and see if we can do it in CIP.

Deputy City Clerk Johnson stated there's actually a report of the Committee on Public Safety requesting that the Board find \$175,000 which has not come out of Committee yet but it was going to come out either verbally later or at the next meeting.

Alderman Lopez stated I just want to make sure what we're doing...we're taking the money that's been allocated in '07 for the canines...going to lower the fund balance because it's already been counted as money coming back to the Finance Officer.

Mayor Guinta asked would you repeat the motion please?

Deputy City Clerk Johnson stated my understanding is the motion is to authorize the Police Department to purchase the canines or the canine program up to an amount that was previously appropriated that was not expended to date.

Mayor Guinta stated the opinion of the Finance Officer is that could impact the projection which currently stands at \$1.8 for the surplus...I'm sorry \$1.6...so it could impact it.

Alderman Lopez moved to table. Alderman Shea duly seconded the motion.

Roll call vote was taken. Aldermen Gatsas, Long, Duval, Osborne, Pinard, O'Neil, DeVries, Garrity, Thibault, Forest and Roy voted nay. Aldermen Lopez, Shea and Smith voted yea. The motion failed.

Alderman O'Neil moved on alderman Gatsas' motion.

Alderman Roy stated if the maker of the motion would accept a friendly amendment that we hold in tact up to the \$1.5 million that we would need for the fund balance and then if the \$30,000 that was not spent but appropriated is there then it be appropriated and spent now.

Mayor Guinta stated I think the Solicitor said we can't do that.

City Solicitor Clark stated it's getting too far in time...this should have been done in June if you were going to do it. The Finance Officer believes that it's appropriate that if you'll let them have the \$31,000 now and expend it right away...they can't hold onto it then it would fit within his guidelines. But you can't just extend it out further.

Mayor Guinta stated there's a motion on the floor. Is everybody clear as to what the motion is? Please repeat the motion.

Deputy City Clerk Johnson stated the motion is to authorize the Police Department to expend the funds that were appropriated for canine activities up to the amount of the appropriation which I understand now has a balance of \$31,000.

Alderman DeVries stated just a parliamentary inquiry...if you knew that the Police Department could not spend the money tomorrow as they are indicating in front of us unfortunately you would vote against this knowing that they cannot spend the appropriated money so a no is not against the actions for the Police Department but just acknowledging...he's indicating he can't spend it.

Mayor Guinta asked does that meet the guideline or no.

Mr. Sanders stated it needs to be spent promptly in the fiscal year...there are many things that are encumbered at the end of the year that are not spent the next day.

Mayor Guinta stated I need to know if that falls within the guidelines.

Mr. Sanders replied no.

Alderman Shea stated we're getting legal advice here by the City Solicitor and yet we're having a motion that's going to be contradictory to what his legal judgment is...why are we even talking about it. We can say yes and then he's going to tell us we can't do it or we can say no and agree with him.

Mayor Guinta stated there's a motion on the floor to spend the \$31,000. It's been told to us by the Police Department that because of the process this money will not be spent until October which is contrary to what the Finance Officer is telling us is legal. So there is still a motion on the floor I presume, Alderman.

Alderman Gatsas stated I think it's still there.

Alderman O'Neil stated Tom you and Mr. Sanders have discussed...do you agree that if it's some later date it's in violation of the intent of the law.

City Solicitor Clark stated I think if it's a later date if it's not very prompt then the money is going to have to lapse back.

Alderman O'Neil stated then we shouldn't even be doing this.

Mayor Guinta stated I'd really like to move on and get this vote done so a final question from Alderman Long and then we'll take the vote.

Alderman Long asked could you secure contracts within the next couple of weeks for October?

Alderman Gatsas stated I'll withdraw my motion because obviously they don't want to spend the money.

Alderman Forest withdrew his second to the motion.

Alderman Gatsas stated the biggest City in the state will be down the canines that we should have.

Alderman Gatsas moved to receive and file item K. Alderman Shea duly seconded the motion. The motion carried with Alderman Roy duly recorded in opposition.

- N. Communication from June Matte, Bond Counsel, regarding the adopted FY2008 budget.

Alderman Gatsas stated I assume everybody's read the letter from Bond Counsel and I guess the letter as far as I'm concerned is pretty striking that we would put our bond rating in jeopardy from using one-time funds. And I guess I would look for the Finance Officer on his opinion of the letter.

Mayor Guinta stated there's two particular areas that I have concern and I would support your suggestion...I'd like that actually in writing from the Finance Officer...in paragraph 2 of the letter half way down...“Moody's went on to say that the factors that could positively impact the City's rating included ‘significant augmentation of financial reserves’ and the factors that could contribute to the moving the rating down would be a ‘reduction of financial reserves resulting in limited financial flexibility’.”...that's a concern I have and the second concern is in paragraph 3 where it talks about spending... “The City has also been diligent over the years in establishing operating and capital reserves.” And then in the third sentence...“It is important too the rating agencies that the rules for both contributing and withdrawing funds are specified.” So those rules are specified...we need to adhere to them. In my opinion as I read the letter from PFM Group that I would certainly like to have something in writing to this Board from our Finance Officer as a response to this letter.

Alderman Gatsas stated thank you, your Honor, you made my motion.

Mayor Guinta stated you made the motion. I don't know if it requires a motion but I'd be happy to entertain a motion.

Alderman Gatsas moved to request that the Finance Officer responding in writing to the Bond Counsel's communication. Alderman Roy duly seconded the motion.

Alderman Lopez stated I would like to make a couple of comments in reference to this unfortunately unless you have it someplace I didn't receive your letter that you sent to June Matte. I took the liberty today to call her...I wanted the Board to know. In talking to her it's a generalized letter number one and the point that I made very clear to her in reference to the one time account that we were going to put \$3.6 million back into that account would that have any bearing on her letter and she indicated to me if we hold true to the promise that we're going to put that money back in there that would have a bearing that we'd be managing the one time account. I don't mind a letter coming from the Finance Officer but I wanted to bring that point to your attention. The money that we utilized there I also asked if we would utilize money out of there for the one time...for example if we had bought more

meters for downtown that would have no bearing to meet the guidelines and we had a conversation in reference to the operating budget and what's necessary and what's not necessary and that again goes back to whether or not the Finance Officer and others and sit down and look at these accounts and see if we're putting all of our eggs in one basket instead of dividing it up. We've got \$3.6 million...we might put "X" number of dollars in economic development and not necessarily have to put everything in there but we have to fix our roads and our sidewalks so I hope that we take the whole picture and look at it.

Mayor Guinta stated I think we are taking the full picture and I would continue to support that. If you note in a couple of sentences beyond in the third paragraph it says "The specific uses are acknowledged and limited to those applications for which the reserve was specifically defined." The concern that I and I will give you another copy of the letter but when I had talked to June Matte about this she expressed great concern about this decision because the decision to take money out of the one time fund was not within the specific guidelines...that sends a red flag to the rating agencies was the point that she made to me verbally. Well I'll send you a letter asking you some questions about that because we as a Board need to be very clear about the intent of the establishment of these accounts and the management of these accounts so I think this is a good discussion to have so we can properly educate ourselves on the management tools that we need to exhibit but I will certainly give you a copy of the letter...I think it's extremely important that we take a look at all of our reserves and see what levels they should be at and then we have to be very strict in adhering to the policies that we set forth as recommended not just by our Finance Officer and our Finance team but by our Finance team in Boston because they're the ones that are looking at representing us when we go to the rating agencies. The rating agencies...the next time we go down there is probably a couple of years so we've got a couple of years not only to replenish that account but ensure that we don't have that continued practice.

Alderman Shea stated in reviewing this document I was struck with the following it lists sound management practices...conservative budget practices, expenditure controls but this is the next one that I was kind of taken aback with...timely tax rate increases. I was kind of surprised that that would be considered sound management practices but that's what she lists and strong fiscal management and then the second part was the augmentation of financial reserves which you have referred to but Alderman Lopez has indicated that maybe we have too many reserve names rather than putting all the reserves in one component and then what you have indicated..."a reduction of financial reserves results in limited financial flexibility"...in other words the more that we take from our reserves necessarily and they do mention the longevity of a management team and again we have so many changes recently in different departments that has had impacted certainly our management.

Mayor Guinta stated that's just for the Finance office which the letter is referencing...losing Kevin and Randy I think is probably what she's referencing.

Alderman Shea stated that I do think that part of the problem is how the question is asked of people and Alderman Lopez has indicated that sometimes a question is asked not necessarily with the backup information that probably is available but obviously it's a good point to get this advice from people and certainly the people that have handled the financial situation in the City in the past have certainly put into place certain kinds of management practices. I think one of the problems that we have probably as Aldermen at least I'm speaking for myself...we don't know how to ask the questions we want...they'll answer the questions that we ask but we don't always ask the questions that necessarily we should be asking so that's what results in lack of information. But I think it's a useful document certainly.

Mayor Guinta stated I will get the Board a copy of my letter...we do have a motion on the floor.

Alderman Roy stated the reason why I seconded Alderman Gatsas' request is I'd also like a clarification as to where the one time revenue account falls into our operating and capital reserves. In my opinion it is part of our financial picture but should not because of its intent be something that would affect our rating. If we went out last year and built the garage that was talked about four and five years ago that account would be at a zero balance and I want to make sure it's being represented in the right way to not only our rating and bond counsel but also to the taxpayer. In my opinion we just gave back money that we shouldn't have had in the first place because four and five years ago when we talked about building garages it never came to fruition. So we gave back taxpayer money and I'll stand by that and I know that there are people in this room that will argue with that but that's all I look to do with returning that money and I want to make sure that that one time revenue is viewed by the bond counsel the same way.

Mayor Guinta stated with the exception that some of that money went into the operating budgets so that statement isn't completely accurate. Secondly, and again this is probably why we should have a review with our financial community to talk about the level of reserves that we should have. When these reserves were established it was recommended that we establish these specific reserves and that's what bond rating agencies look at to make determinations about our ratings. Without those reserves or without utilizing the money within the reserves for their proper use that can have a negative impact and that's what I continue to have a little more understanding of as we make the decisions. I don't disagree with you and your suggestion that you return unused money to taxpayers the difference is this money in part was used for operating which is really I don't think a good financial practice or the best financial practice.

Alderman Roy stated again we've agreed to disagree on that fact but the operating expenses that it went to were felt by this Board to be a priority and if it hadn't gone out of that account it would have come from property tax revenues. So whether it went directly back to them in

the form of a tax decrease or by not increasing their taxes it went back to the taxpayer for priorities deemed important to this Board.

Mayor Guinta stated but it didn't meet the guidelines that we set up for spending in the first place...so that's something that we do have to rectify.

Alderman Lopez stated clarification...that's one of the questions asked...who the management team is. In her opinion the management team are the 14 Aldermen, the Mayor, the Finance Officer and other people who create the reserve account so it's not just the Finance Officer...it's the team itself, the team being the elected officials and how they're doing in running the City. I just want to bring that point out and at some point after Mr. Sanders gets all of the necessary information I think after we review the accounts if we can get June Matte here so we can ask questions so we're all on the same page and understand before we make decisions as to how much money we're going to put in the Stabilization account and some indicated we should put zero in there...whatever the case may be at least we'll have an opportunity to address those before we make decisions to go forward.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- O.** Communication from Paul Porter recommending that an informal committee be organized composed of representatives from the Assessors, Building, Planning and Economic Development Departments for the purpose of projecting growth needed to prevent increasing fees and/or raising taxes to pay for any mandatory expenditure increases.

Alderman Lopez stated the only thing I would like to do with former Alderman Porter's letter is to refer it to economic development to have a round table discussion with Building, Assessors and the Planning Department and to put some type of report together. I know the Economic Development Director put a good report together but we're talking about the tax base...as to what's with the future, what's going on and so that we can see a clear picture of what kind of tax increase dollars we're going to get in year one, two or three or what we're looking at. I'm told by the Building Department we don't see anything on the horizon. I'm told by the Assessors we can't see but \$35 million...well where is that \$35 million that they see because others don't see it. So, I just want to refer this letter for action so they have a round table discussion, can let the Aldermen know when they're having that round table discussion and prepare some type of report in sixty (60) days to the Board to include the people I mentioned.

Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

Q. Resolutions:

“Amending the FY2008 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Twenty Five Thousand Dollars (\$225,000) and revising the title of CIP 711408 from “Additional Multi-Space Meters” to “Millyard Parking Plan Implementation.”

“Authorizing the Finance Officer in Fiscal Year 2007 to effect a transfer of Fifty Three Thousand Seven Hundred Fifty Dollars (\$53,750) from Contingency to the Manchester Police Department.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2007.”

Alderman DeVries stated I had taken off to have the discussion we’ve already had when we spoke with the Police Department of Item K but I don’t know if Alderman Roy had anything else he was looking to add and I would defer to him if he had other items because mine have been covered.

Alderman Roy stated I was going to bring up the request from Public Safety and Alderman Garrity has offered to accept it at CIP. So if that doesn’t need any formal action.

Alderman DeVries moved to refer the Resolutions to the Committee on Finance. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Bills on Second Reading

X. Recommending that Ordinance:

“Amending Sections 33.024, 33.025, & 33.026 ((Assistant Airport Director (Finance & Administration) to Deputy Airport Director and Property & Contract Administrator to Property & Contract Coordinator)), of the Code of Ordinances of the City of Manchester.”

ought to pass as amended.

The Committee notes that it has amended the Ordinance to reflect a Grade 27 for the Deputy Airport Director position as recommended by the Human Resources Director.
(Aldermen Lopez, Gatsas, and Garrity in favor. Aldermen Duval and Pinard opposed.)

Alderman O’Neil stated this item has come full circle. It went out at one grade, came back at another. I guess not unexpected. I don’t think we have to have a long debate because I think we have had long debates on it. I think people know their position. I have the utmost respect for our Director of Human Resources and her staff. I do think we do have to take information from the respective departments and incorporate that into decisions we make on personnel matters and based on the information/discussions I have had with both Mr. Dillon and Mr. Farren I’m of the opinion that 29 is the appropriate grade for that position and unless we get into any crazy decision that will probably be the last of my comments on it. So I would like to make a motion that we amend the report to make the position of Deputy Airport Director a grade 29.

Alderman Pinard duly seconded the motion.

Alderman Shea requested a roll call.

A roll call voted was taken. Aldermen Shea, DeVries, Garrity, Gatsas, Long and Lopez voted nay. Aldermen Smith, Thibault, Forest, Roy, Duval, Osborne, Pinard and O'Neil voted yea. The motion carried.

Alderman Garrity stated just a couple of comments. At tonight's Human Resources meeting it was like Christmas all over again. We had pay grade increases...I think it's unaffordable, thank you.

Alderman O'Neil moved to accept the report as amended. Alderman Pinard duly seconded the motion. The motion carried with Aldermen Shea, DeVries, Garrity, Gatsas, Long and Lopez duly recorded in opposition.

Alderman Lopez asked are we going to go into non-public or are we going to wait until eleven o'clock?

Mayor Guinta replied it's nine o'clock now I think if we move through this agenda we can complete it. I have sent a letter indicating that I'd like to go into non-public at the appropriate time when it's not on the agenda so that we can get through this.

Mayor Guinta recessed the meeting.

Mayor Guinta called the meeting back to order.

5. Communication from Carol Johnson, Deputy City Clerk, requesting the Board reaffirm appointments to the Revolving Loan Fund Committee for terms expiring June 1, 2009, establish future expirations for June 2010, and affirm and order composition of such committee as outlined.

Alderman Roy moved to reaffirm appointments and take actions as follows:..

Revolving Loan Fund Committee membership

Joseph G. Fremeau (2nd term)
David B. Eaton (2nd term)
Robert A. Greenwood, Jr. (2nd term)
Lawrence Allard (1st term)
Peter R. Madden (2nd term)

- That the Board of Mayor and Aldermen hereby reconstitute the membership of the Revolving Loan Committee by reaffirming current members appointed to the Committee as aforementioned with current terms to expire June 1, 2009, with 3 year rotation of term expiration on June 1 thereafter;
- That future members shall be nominated by the Mayor and confirmed by the Board of Mayor and Aldermen for three year terms to expire June 1, 2010 and succeeding 3 year terms thereafter;
- That the Board of Mayor and Aldermen affirm and order that the composition of said Committee shall be comprised as follows:
 1. No less than 5 nor more than 8 members nominated by the Mayor and confirmed by the Board of Mayor and Aldermen for three year terms;

2. Two (2) members shall have commercial lending experience;
3. One (1) member shall represent the legal profession; and
4. Other members shall be drawn from legal, lending or other fields of expertise relating to business.

Alderman Garrity duly seconded the motion. There being none opposed, the motion carried

5. Mayor Guinta presented the following nominations pursuant to Section 3.14(b) of the City Charter:

Parks, Recreation & Cemetery Commission

Sandra Lambert to succeed herself, term to expire July 7, 2010; and
Dennis Smith to succeed himself, term to expire July 7, 2010.

Alderman Lopez moved to suspend the rules and confirm the nominations to the Parks, Recreation & Cemetery Commission as presented. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

7. Confirmation of the nomination of Jeff Dobe to fill a vacancy on the Senior Services Commission, term to expire January 1, 2008.

On motion of Alderman Thibault, duly seconded by Alderman Garrity, it was voted to confirm the nomination of Jeff Dobe as presented.

A report of the Committee on Public Safety, Health and Traffic was presented advising that it has reviewed and approved a Millyard Parking Plan presented by the Parking Manager and for such purpose Ordinance:

“Amending chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.54 by adding Parking Districts to the Millyard area and new hourly parking rate for the Myrna Lot; 70.57 update current wording to the ordinance (housekeeping); add On-Street Event Parking (pay and display meters) flat five dollar rate.”

is submitted to the Board with the request the Board of Mayor and Aldermen suspend the rules and adopt such ordinance; that a related funding resolution and budget authorization be approved; that the Board endorse the plan as previously forwarded and adopt related regulations contained in an additional report from the Committee.

Alderman Osborne moved to accept, receive and adopt the report of the Committee on Public Safety, Health and Traffic. Alderman Pinard duly seconded the motion.

Alderman Gatsas stated I’m looking at the financial analysis and I guess the cashier’s booth is where the valet will find himself resting during the day in the snow.

Ms. Brandy Stanley, Parking Manager, stated that is for the parking attendant on the Myrna Lot yes.

Alderman Gatsas stated the valet.

Mayor Guinta stated I don't think it's a valet.

Ms. Stanley stated it's not a valet.

Alderman Gatsas stated absolutely it's a valet.

Mayor Guinta asked is this a valet?

Ms. Stanley replied it is not a valet service it is an attendant park service...there is actually a difference.

Alderman Gatsas stated let me understand your letter because the letter that you presented to us is this another person...is this the person that's going to valet or pay attention to 60 cars with the keys.

Ms. Stanley stated this is the person that's going to be holding keys for cars that are double-parked yes.

Alderman Gatsas stated so he is going to have to move cars if ones behind the other.

Ms. Stanley stated that's correct.

Alderman Gatsas asked is that a valet?

Ms. Stanley replied no. A valet service is where someone pulls up to a booth or the front of a restaurant and the valet attendant will take the car from the customer, drive it to the parking place and park it there and then retrieve it back to the place where the car was first delivered...that involves substantially more driving and it involves substantially more personnel because you're driving the cars a farther distance...that's not what this is.

Alderman Gatsas stated let's go through this because I have some question...when I look down at the revenues and it said the blue zone additional permits 50 @ \$40.00 is that 50@ \$40.00 a month, 50@ \$40.00 a week.

Ms. Stanley replied it's 50 permits at \$40.00/month.

Alderman Gatsas stated so if I do that math it comes out to \$20,000...40 times 50 times 12.

Ms. Stanley stated it's actually only for 10 months because that's for fiscal year 2008 we're anticipating those permits going into effect September 1st which is the third fiscal month of the fiscal year so you'll get 10 months worth of revenue in the first year.

Alderman Gatsas stated so you're saying that the 10-month revenue stream but it's a 12-month expenditure stream.

Ms. Stanley stated no. It's a 10-month expenditure stream as well.

Alderman Gatsas stated if I look at the attendant and payroll and benefits it's \$44,000 from year one.

Ms. Stanley stated right. If you look at the fiscal 2008 column you'll see that it's \$36,667.

Alderman Gatsas stated so you haven't hired anybody.

Ms. Stanley stated no.

Alderman Gatsas stated the attendance will be in a booth...he only needs to move cars if one is behind the other and if he needs (1) to go lunch you said there was somebody to replace him and (2) if he has to go to the bathroom or get water what happens then?

Ms. Stanley replied what I anticipate happening with that is during short absences one of the reasons...besides the weather that we're getting the cashier booth is we're going to be able to secure the keys...the cashier booth is going to have a locked key box and the booth itself will lock. So if the attendant has to go inside to go to the restroom or get some water he can lock the booth and lock up the key box and leave for three or four minutes.

Alderman Gatsas stated if that attendant has to leave at five or six and somebody hasn't gotten to their car what happens then?

Ms. Stanley replied what we will do is we will know where that person is. We'll know that they are either at Fratello's or they're in the salon or in one of the offices...my guess is that at five or six they're not going to be in one of the offices. The keys can be dropped off at that location for that customer.

Alderman Gatsas stated so he has to have some sort of book that he's going to keep logs on for where people are at.

Ms. Stanley stated that's correct.

Alderman Gatsas stated there's no question and I think if I remember correctly this is a short-term solution to a long-term problem.

Ms. Stanley stated that is correct.

Alderman Gatsas asked is there a reason why we wouldn't look at the long-term solution rather than the short-term solution?

Ms. Stanley replied we're looking at both. A long-term solution is just that it's not something...a long-term solution there's most likely going to involve the construction of parking garages. We have to figure out where they go, how big they're supposed to be and who pays for them. All those are questions that are going to taken a substantial amount of time to answer as well as go through the construction phase itself. Those businesses especially in the north Millyard cannot grow any farther. As a matter of fact Fratello's actually stopped booking daytime banquet business to the tune of \$250,000/year in revenue that they're losing because there is no where for those people to park if they book those events. This will enable them to do on a limited basis some of the things that they had to give up because of the parking problems.

Alderman Gatsas stated I guess the question is is that I think that if we let the private sector get involved instead of the public sector putting in cashier booths and learning about keys we probably could get this done very quickly because I know that the private sector would jump into a garage scenario and a partnership in a heartbeat.

Ms. Stanley stated I believe you're probably right Alderman but again in terms of constructing parking garages...honestly the City owns pretty much all of the land in the Millyard that is available for constructing parking garages. The City's involvement in that process slows it down by default.

Alderman Gatsas stated I don't disagree with you so the short-term solution by the private sector would have this problem resolved.

Mayor Guinta stated except for the fact that we own the lots.

Ms. Stanley stated exactly.

Mayor Guinta stated so the short-term solution is to try to accommodate management for additional better flow and additional use of the existing spaces. The long-term solution I think is what you're pointing to which is either a public/private partnership to build garages.

Alderman Gatsas stated I've talked to them they're ready to go...they don't want to wait, they're ready to go on this. We own the land, they'll come tomorrow and do a deal with us. They'll put up the money and they'll build them and we can be their partner...it's that quick.

Mayor Guinta stated that's not exactly what's been conveyed to me.

Alderman Gatsas stated that's what's been conveyed to me, your Honor. I will bring that proposal to this Board at the next meeting.

Mayor Guinta stated I would be happy to entertain that proposal.

Alderman Roy stated first question for the Finance Officer. Current bonding rates...if someone were to pay \$150,000 per year for debt service what could they bond?

Mr. Sanders replied a little over \$2 million probably, maybe \$3 million.

Alderman Roy asked Brandy what would a parking garage on that lot take and is it possible?

Mayor Guinta stated I don't want to get into the scope of this right now because it's not really germane to the short term. It's a good discussion to have but if we could have it at committee.

Alderman Roy stated okay then I'll jump right to my point. To me this isn't a short-term solution because we're adding another employee to the books of the City of Manchester.

Mayor Guinta stated when we don't need that employee then we don't need the employee...when the long term solution is implemented I'll remember this comment and we'll get rid of the employee.

Alderman Roy stated alright I'll just reiterate my concerns that I said at Public Safety. With the turtle revenue and the risk reward for this to me it's not worth it for the extra 55 cars. I know it is a solution or a small solution for the property owners down there but I would much rather find a solution where there was some type of private interest...we are land rich in the Millyard I agree with that and I think we should be doing our best to market that to potential developers who want parking garages and want extra space versus hiring employees and building huts for them to be in and so that's my viewpoint.

Alderman Forest stated I had to comment on that...I can have somebody here tomorrow. I remember several months ago there was a developer that came before us and proposed two parking areas on either side of the Pandora building and it was ready to go until a certain Alderman came up with somebody else that wanted to do it and that person sent a letter and said I want to do it and guess what both lots are now vacant and neither developer is

developing it. So we've been through "I'll have somebody here tomorrow". So if you can come up with somebody here tomorrow I'll be glad to vote for a project like this.

Alderman Gatsas asked how many would you like, Alderman?

Alderman Forest replied as many as you can bring, Alderman...I've heard that comment from you before.

Mayor Guinta stated let's try to move it along I know we've got a lengthy agenda.

Alderman Garrity stated Brandy I'm looking at your financial analysis...for the Myrna Lot you projected \$42,460 and the cost for the booth and the payroll for the attendant puts that particular lot in the red on the revenue side so where's the funding coming from or are you just taking it generally from just all parking revenues?

Ms. Stanley replied the funding for fiscal year 2008 that operation does not break even the first year because of the capital costs involved in purchasing the cashier booth. If you look in FY09 the revenue outpaces the expenses by about \$2,000. I designed it on a break-even basis because I wasn't necessarily looking for profit I would looking for the creation of parking spaces. The first year obviously we have to spend the money to get the limits to the infrastructure in there that we need to do. The money is coming from a combination of \$280,000 in existing and approved CIP funds for the parking enterprise it is not bond it is cash it is enterprise fund and the additional \$225,000 has now been referred to the Finance Committee this evening as a withdraw from the one time economic development fund.

Alderman Duval stated sort of just briefly reiterate the comments that I made before the HR Committee earlier this evening where we approved I think rather wisely creation of positions to meet the needs that Ms. Stanley has painted for us. Basically to urge my colleagues to be patient with the process. We have a new parking enterprise, we have a new Parking Manager, we're wading through areas that are new for the City and certainly new for this Board to grapple with and I think that her plate is full, I think she's doing her best to bring proposals to the Board as quick as possible so that we can address some of these parking conditions throughout the City not just in the Millyard and I think again to implore my colleagues to be tolerant of the process and allow this due diligence period to play out so that she can bring forth some sustainable solutions. It's not an either or proposition tonight it's both. I heard comments made as if we're not addressing the parking conditions in a long term view in the Millyard and that's not the case from what I hear in speaking with the Mayor and other Aldermen around this Board who have been very active in working with Ms. Stanley to address some of the concerns of parking city-wide including the Millyard. So it's not an either or proposition. I think it is clear that there is a longer vision, a longer view that she's trying to implement and I think that we ought to exercise a certain amount of patience and allow the due diligence process of all of this to play through. I'm sure she'll

come back with revisions to plans and we're going to have to meld and mold this until we get it right so it's not an either or proposition...that's certainly not how I'm looking at it.

Alderman Smith stated I have to agree with my colleague Mr. Gatsas back and I'll name the individuals 1848 Associates they were going to buy the building for \$600,000 + on the plan and then in late I'd say July or August Brady Sullivan came in with a proposal...now what happened to both of those proposals I don't know but I believe that we shouldn't get involved with public...I'm sick and tired of garages that we own, I'm sick and tired of subsidizing parking, I think the private sector should come down into the Millyard and do their due diligence themselves. I can remember and you had them up here...AutoDesk...and Texas Instruments and they said we needed parking, we'll build our own garage and everything like that. What happened...I don't know but I don't think we should be getting involved and I really think personally this is a band aid approach to the parking situation whatsoever.

Mayor Guinta stated just to clarify those companies are tenants not property owners so that does present a bit of an issue with them actually building themselves.

Alderman Smith asked didn't we get an offer from 1848 Associates?

Mayor Guinta replied from a property owner yes and then an abutter interceded and we haven't been able to complete that deal.

Alderman Long stated Brandy this proposal you have before us tonight does this fit into the long-term solution or is this just a temporary fix?

Ms. Stanley replied this really is just a temporary fix. The Pay & Displays that were installing obviously are permanent fix and that's the bulk of the expenditure that we're putting in. It's just to relieve some of the pressure until we can figure out the best long-term solution to take. We obviously know no matter how they get paid for or if we sell the land for building a garage that's not going to happen at least for a couple of years and that's two years where economic development in the Millyard is basically stopped so what we're trying to do with this and as Alderman Smith said it is a band aid approach and that's what I've been calling it since the beginning...that's what this is...this is a short term, limited release solution for the Millyard until we can get what we need to do long term together and get it started.

Alderman Long stated what my question is will this fit into the long term. We're not going to put in this half-a-million dollars and then it's not going to be no good once we find a long-term solution.

Ms. Stanley stated I think that would depend on what we did. The Pay & Displays which again is over \$300,000 at a \$500,000 cost that is obviously going to fit in we're not going to take the streets out. If we end up building a parking garage in the Myrna Lot we'll have to take the \$15,000 cashier booth and we could pick it up and we could use it somewhere else. It's not that we would lose it, we'd lose the \$2,500 it's going to cost to put the cement pad on. Most of the stuff that we're doing for this is not really permanent...restripping on the Arms Lot if it turns away from...if it's not a parking lot anymore then obviously the money that we're spending now isn't going to be...it's going to be meaningless when and if we do that but again like I said I don't anticipate anything happening in the next...at least for two years because it's going to take time to figure out what the best long term solution is.

Alderman Long stated as you're well aware there's an immediate problem down in the Millyard area and this does give relief...we talked to several owners, they agree with this...this is showing where the City is serious about fixing the situation...here's what we're coming up with now what will private industry come up with to fix the problem long term.

Alderman Shea stated you did assure us Brandy that you have spoken to owners of properties and they are comfortable with this type of a situation...I think you should make that known to the rest of the Board.

Ms. Stanley stated I have spoken to almost all of the Millyard owners on several occasions and many of the tenants. To my knowledge there is not a single party either a tenant or an owner in the Millyard that is opposed to this plan.

Alderman Shea stated now the second point that I want to mention is your experience in this type of a situation...I'm sure you've done this before...how long does it take you to evaluate the situation so as to make sure that we're on the right track...does it take six weeks, six months...could you give the Board some indication...let's assume for the sale of discussion the shuttle service isn't that beneficial or that the attendant isn't working out...how long does that take as far as you're concerned.

Ms. Stanley stated with regard to the shuttle service again it depends on which component. The attendant parking is probably going to take a little longer because it may take a while for the customer base to get built up so I'm not planning on even starting that until September 1st because banquet business at Fratello's is down during the summer and it's going to take this long in some of the other meeting venues longer to actually ramp up their business. So that may take a little bit longer to figure out whether or not it works. The shuttle service we would probably know within two or three weeks it worked and the way I've structured that deal is that we do have the ability to cancel with 30 days written notice so we could terminate that service should it not work very quickly.

Alderman DeVries stated thank you Brandy. When you set up the Pay & Display in the Millyard are you going to do it in the same way you did it in the downtown without designating actual parking spaces.

Ms. Stanley stated we're going to do the same thing with the parallel parking spaces as we did downtown which is actually not the bulk of the spaces in the Millyard. Most of the spaces in the Millyard are the angled parking and obviously those spaces will stay. The ones in between...the parallel lines in between the spaces that are parallel to the street will go and as happened downtown in areas of high demand especially at night like if you go down Lowell Street you're going to see that there is a lot of space compression...we get a lot of additional cars. In a very high demand area you're going to get a lot of benefit from that and we anticipate that happening in the Millyard.

Alderman DeVries stated so you are telling me that you are monitoring to make sure that you are gaining additional parking rather than losing it in the parallel parking without designated spots. It just isn't my casual observation in the downtown but as long as you are looking at that closely to make sure we don't lose parking when we transfer over.

Ms. Stanley stated in some places in downtown it actually looks like you're losing spaces because two cars may park together and then there's a big huge gap before the next one. I have never found in any of my walk throughs downtown where we actually lost a space, it just looks like you did because they don't park uniformly. So if we do lose any spaces it's in lower demand areas during non-peak hours. During the peak hours like I said at night in the busy sections of the City we get a lot of extra spaces from them.

Alderman DeVries stated now that we've brought that out I'm sure others will be commenting...thank you.

Alderman Gatsas asked Brandy can you tell me how many additional spaces does this entire mix increase?

Ms. Stanley replied it increases capacity for about 300 more vehicles and that comes through a number of different ways. The 50-60 comes from the Myrna Lot, the restriping of the Arms Lot gives us another 60 spaces, the shuttle service will free up almost about 150...we're still parking those cars but we're not parking them in the Millyard which frees up Millyard space for additional parkers and we're switching Stark Street from parallel parking to angled parking so that picks up an extra seven spaces...it's just here and there.

Alderman Gatsas stated so it's about 120 spaces because if the shuttle doesn't work.

Ms. Stanley stated if the shuttle doesn't work they would probably begin to park on the street, however, I don't believe that's going to happen because we have a very good vendor,

it's a relatively simple shuttle service and from the meetings that we've had there's support by all parties.

Alderman Gatsas stated so the cost to us is somewhere in the vicinity of \$776,000 over a 4-year period which is about \$6,000/space and at the end of four years 2011 in your projections we're still losing \$4,000...that's why I say it behooves us to let the private sector do the work because if I take your \$335,000 that you lose in year one and subtract your profits out for the next three we still lose \$4,000 at the end of four years.

Mayor Guinta interjected except you're basing that on \$120,000 not \$300,000.

Alderman Gatsas stated no I'm basing that on her analysis, your Honor. I'm using her analysis...her basis for revenue and expenses at the end of 2011 we still lost \$4,000 on this project.

Ms. Stanley stated the payback on the project is a little bit over three years almost four years...that is true but like you said at \$6,000/space it's creating more inventory. If you're going to build a parking garage you can't do it very fast and you're talking anywhere from \$17,000 to \$30,000/space. So \$6,000/space is actually a pretty good deal for creating the additional spaces.

Alderman Lopez stated for a number of years parking has been a major problem that none of us could solve. We hired an individual...it's been through committee...I'd like to move the motion.

Mayor Guinta called for a vote on the motion.

Alderman Gatsas requested a roll call vote be taken.

Alderman O'Neil stated this is the report including the ordinance changes.

Deputy City Clerk Johnson stated it's the report that also contains the ordinance but it's basically accepting the Millyard Parking Plan as well...the ordinance will be...we will be asking to suspend the rules to adopt the ordinance pursuant to the report.

A roll call vote was taken. Aldermen Gatsas and Smith voted nay. Aldermen Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Thibault, Forest and Roy (minus the employee) voted yea. The motion carried.

Alderman O'Neil moved to suspend the rules without referral to Committees. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.54 by adding Parking Districts to the Millyard area and new hourly parking rate for the Myrna Lot; 70.57 update current wording to the ordinance (housekeeping); add On-Street Even Parking (pay and display meters) flat five dollar rate.”

On motion of Alderman O’Neil, duly seconded by Alderman Thibault, it was voted to read the Ordinance by title only, and it was so done.

This Ordinance having had its final reading by title only, Alderman Forest moved that the Ordinance pass and be Ordained. Alderman Thibault duly seconded the motion. The motion carried with Aldermen Gatsas and Smith duly recorded in opposition.

A second report of the Committee on Public Safety, Health and Traffic was presented recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

(Unanimous vote with the exception of Alderman O’Neil who was opposed to all Stop Signs.)

Alderman Osborne moved to accept, receive and adopt the second report of the Committee on Public Safety, Health and Traffic. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Thibault, duly seconded by Alderman Long, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

- 11.** A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2008 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Twenty Five Thousand Dollars (\$225,000) and revising the title of CIP 711408 from “Additional Multi-Space Meters” to “Millyard Parking Plan Implementation.”

“Authorizing the Finance Officer in Fiscal Year 2007 to effect a transfer of Fifty Three Thousand Seven Hundred Fifty Dollars (\$53,750) from Contingency to the Manchester Police Department.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2007.”

ought to pass and be enrolled.

Alderman Pinard moved to accept, receive and adopt the report of the Committee on Finance. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

12. A report of the Committee on Human Resources/Insurance was presented recommending that:

- 1) a request of the Public Works Director for reclassification of a Public Service Worker II position (salary grade 13) to an Equipment Operator III (salary grade 14); and
- 2) a request of the Library Director for reclassification of two Assistant Librarians (salary grade 13) to Librarian I (salary grade 16)

be granted and approved.

(Unanimous vote with the exception of Alderman Garrity who was opposed to item 2.)

Alderman Long moved to accept, receive, and adopt the report of the Committee on Human Resources/Insurance. Alderman Pinard duly seconded the motion.

Alderman Garrity stated just to note there are two more City employees getting a three-grade increase...so it's Christmas at City Hall tonight.

Alderman Shea stated I know we discussed this particularly regarding the Library...the bottom line is that the Library is going to save upwards of \$22,000 by this particular reclassification so I think that should be so noted.

Mayor Guinta asked for my clarification is item (2)...you're combining two positions into one. Taking two Assistant Librarians at grade 13 and bumping the both of them up to Librarian I.

Alderman Shea stated that's correct?

Mayor Guinta asked is that correct?

Alderman Gatsas stated exactly.

Mayor Guinta stated and a position is being eliminated.

Alderman Gatsas stated a position is not being eliminated there are steps...the vacant position at a higher rate...when they hire a new person incorporated with the two increases and the new person there's a \$22,000 savings.

Mayor Guinta stated I see okay I see it in the letter. Thank you for the clarification.

Mayor Guinta called for a vote on the motion to accept the report. The motion carried with Alderman Garrity duly recorded in opposition to item 2) Librarian.

A second report of the Committee on Human Resources/Insurance was presented advising that it has approved the following requests, and recommends that:

- 1) a request of the Parking Manager to establish a new class specification and position of Parking Attendant, (grade 9);
(Aldermen Gatsas, Shea, Duval and Pinard voted yea. Alderman Garrity was opposed.)
- 2) a request of the Human Resources Director to revise class specifications for Inventory Specialist to reflect two levels, Inventory Specialist I and Inventory Specialist II
(Unanimous vote)

be referred to the Committee on Bills on Second Reading for technical review.

Alderman Pinard moved to accept the second report of the Committee on Human Resources/Insurance. Alderman Shea duly seconded the motion. The motion carried with Aldermen Roy, Gatsas and Garrity duly recorded in opposition to item 1) Parking Attendant.

A third report of the Committee on Human Resources/Insurance was presented recommending that a request of the Parking Manager to address a discrepancy in PCO positions authorized as opposed to actually employed be addressed by approving the total PCO positions as follows:

Full Time: 6
Part Time: 2

(Unanimous vote)

Alderman Duval moved to accept, receive and adopt the third report of the Committee on Human Resources/Insurance. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

13. Ordinances:

“Amending the Zoning Ordinance of the City of Manchester the Neighborhood Business District (B-1) into an area currently zoned Residential Two Family District (R-2), including two lots, Tax Map 325, Lots 18 and 18A with addresses of 316 and 322 South Main Street and abutting Goffe Street. The intent being that the entirety of these two lots would be in the B-1 District.”

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 315, Lot 8 with an address of 116 South Main Street and abutting Walker Street. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

“Amending Sections 33.024, 33.025, & 33.026 ((Assistant Airport Director (Finance & Administration) to Deputy Airport Director and Property & Contract Administrator to Property & Contract Coordinator)), of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by expanding the Residential Parking Permit Zone #1 in Section 70.55(D)(1) to include a portion of Elm Street.”

On motion of Alderman O’Neil, duly seconded by Alderman Long, it was voted waive reading of the Ordinances by titles only.

These Ordinances having had their second reading by titles only, Alderman O’Neil moved that the Ordinances pass and be Enrolled. Alderman Pinard duly seconded the motion. The motion carried with Aldermen Gatsas, Long, Shea, Garrity and Lopez duly recorded in opposition to the Ordinance relating to the Deputy Airport Director.

On motion of Alderman O’Neil, duly seconded by Alderman Pinard, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

- 16.** A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

“Amending the Zoning Ordinance of the City of Manchester the Neighborhood Business District (B-1) into an area currently zoned Residential Two Family District (R-2), including two lots, Tax Map 325, Lots 18 and 18A with addresses of 316 and 322 South Main Street and abutting Goffe Street. The intent being that the entirety of these two lots would be in the B-1 District.”

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 315, Lot 8 with an address of 116 South Main Street and abutting Walker Street. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

“Amending Sections 33.024, 33.025, & 33.026 ((Assistant Airport Director (Finance & Administration) to Deputy Airport Director and Property & Contract Administrator to Property & Contract Coordinator)), of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by expanding the Residential Parking Permit Zone #1 in Section 70.55(D)(1) to include a portion of Elm Street.”

are properly enrolled.

Alderman Smith moved to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

- 17.** State Legislative update to be presented by Mayor Guinta.

Mayor Guinta stated unless anyone has any questions we'll move onto item 18.

Alderman Forest stated I explained to Mark that HB404 which is the one prohibiting state local enforcement from engaging in the Federal Immigration Laws...just want to let you know that there is a subcommittee appointed by Chairman Knowles will be holding it's first meeting on August 7th, possibly August 8th. I know Chief Jaskolka at the request of the committee has been invited to testify up there as has INS and State Police and the Sheriff's because they're opposed to the bill but as far as training and immigration so if anybody's interested come up to Concord on that day it's at ten o'clock.

Alderman Gatsas stated SB35 I know that that had a lot of concern about taking care of the flooding down at Piscataquog but I can tell you what left the Senate it was altered. The \$5,000 at 12.5% whichever was greater was changed in the House and the Committee of Conference agreed to it which changes it to 12.5% for the state and 12.5% for the City so the amount of money the City was thinking that it was going to receive has changed from what the western part of the State received. It kind of went quietly through the House and I think it was almost a voice vote. Certainly it has affected what will be happening with the source of revenues down at the Piscataquog to fix that problem that's down there.

Alderman Smith stated because it's in my ward and this is the second time it happened I know that Parks and Recreation doesn't have any more sufficient funds to probably continue the work...I can't speak for Chuck DePrima but we've got West High with three or four soccer fields, we've got the baseball field...I don't know what the situation's going to be. I would like to have those fields in place by September but if he doesn't have any money to operate or pay the contractor I don't know if this Board can advance some money but if FEMA's reducing our amount coming back we have a problem.

Mayor Guinta stated we did advance some money and that can be completed by September correct. Before that, okay.

Alderman Smith asked do we have sufficient money right now to complete the project fully in top shape?

Mr. Chuck DePrima, Acting Parks Director, replied we do not have the funds in place to restore the park to its pre-flood condition no. I have on my desk a change order from the contractor to restore those fields in the amount of approximately \$500,000.

Alderman Smith stated you're telling me right now you don't have the \$500,000 or what were you allocated by the Board of Mayor and Aldermen...I wasn't at the last meeting and I apologize for that. Did they allocate a certain amount of money?

Mr. DePrima replied I believe they allocated (CIP and Board)...I believe they allocated \$142,000 from bond balance for the Douglas Street Athletic Field project in order to keep the project moving forward...not fully funded just so that work could continue without being set back any further.

Alderman Smith stated so to make myself clear, Chuck, if I went up to David Gosselin...those fields will not be available as Athletic Director for the youngsters from Manchester West or the youth leagues that utilize it.

Mr. DePrima replied you are correct.

Alderman O'Neil stated Chuck that's completely different than what I recall was presented to us and the funds that we approved. By doing it I thought we were assured those parks were going to be brought back by September and if I recall we have two different floods involved here...am I correct...that the extra money was do to electrical and sprinkler and maybe some drainage and that I thought it was going to push it but I thought if we look at the record I thought there was almost a guarantee that those fields were going to be ready and this \$500,000 concerns me because that was never discussed.

Mayor Guinta asked what's going to be done by August? Because originally you said that something will be done, so just tell us what's going to be done.

Mr. DePrima replied we're going to get as much as done as we possibly can with the money from the original obligation from FEMA and the balance of that original obligation and what the Board had advanced in the \$142,000 from the bond balance of Douglas fields.

Mayor Guinta asked do you have an idea of what will be open and usable?

Mr. DePrima replied right now nothing will be usable at that point. We will still be trying to restore the six inches of loam that was lost, over 180 square feet because it wasn't stabilized pre-flood, we'll still be trying to bring the irrigation system back to where it was repaired previously and the lighting system damage which is extensive to the second flood.

Mayor Guinta stated the final payment from FEMA we can't complete the project.

Mr. DePrima stated that's correct.

Alderman O'Neil stated Chuck that's not what I remember was presented to us. I know electrical, the sprinkler system...what was the third item you just mentioned...I don't remember the discussion about the topsoil.

Mr. DePrima stated at that point.

Alderman O'Neil interjected the lighting and that I thought boy if we looked at the minutes we were led to believe that that was going to be ready for this fall. Now I have a concern...it sounds like the contractor is taking advantage of this situation and I have great concern with that if they are. I thought we were given some more time and it was suppose to roll into a smooth transition and it sounds like the contractor coming in with a \$500,000 change order...I don't remember that being discussed before.

Mr. DePrima stated at the point I gave that original presentation a full analysis...assessment of the site hadn't been done yet. In between then and now we had assistance from the Highway Department in surveying that area to find out exactly what the elevations were on those fields...pre-flood and what we have now and what we lost for material and that is significant.

Alderman O'Neil stated if that's the case I'm not comfortable...if in fact they're not going to be ready. I'm uncomfortable doing a \$500,000 change order on something then. We were suppose to expedite this to try to get it done for the fall and this is all new information to me.

Mr. DePrima stated the original request to advance those funds was really to bridge the gap between the original obligation and what we're hoping to get from FEMA from the next obligation. I apologize if I led the Board to believe that it would finish the project.

Alderman O'Neil stated I'm not trying to be critical of you but that's what I remember we were led to believe that by doing that you were able to roll the contractor right along and that this was going to be...it may not be 100% complete but it was going to be usable by the fall...that's what I believe we...that's what I voted for anyway and I'm concerned now with this \$500,000 change order. There are some people taking advantage of the situation...not your department...they're taking advantage of an opportunity and I have concerns with that. Thank you.

Alderman Garrity stated I thought we had solved this in CIP a couple of months ago but if we need a CIP meeting next week we can certainly schedule one and get all of the ducks in a row again. I thought we had all of our ducks in a row on this thing. Alderman O'Neil I thought we had it solved in CIP.

Mayor Guinta stated let's schedule a CIP meeting to try and get this resolved and we can invite the Alderman...would you like to come to the meeting Alderman?

Alderman Smith replied I certainly would. I'd just like to ask my colleague, Senator Gatsas or Alderman Gatsas...do you have any idea of what the amount they reduced the allocation to the City of Manchester or when we will get it, do you know that?

Alderman Gatsas replied I can tell you I think just for clarification from where I believe Chuck was you're expecting somewhere around \$300,000 to \$400,000 from FEMA.

Mr. DePrima stated that's correct.

Alderman Gatsas stated that hasn't come in...the \$142,000 was just to carry you over to get the other three to get you to the \$500,000 threshold. I think the whole project was \$500,000...I think that FEMA was giving them \$360,000, we were giving them \$142,000 for the total of \$500,000 so it's not like it's an additional \$500,000 that you're looking for, it's just a matter of the \$360,000 coming from FEMA which you haven't got yet so you can't do the work.

Mr. DePrima stated that's correct.

Alderman Gatsas stated so I guess my position would be let's take \$360,000 out of the one time funds, give them the money so the projects can get done, when the money comes in from FEMA we'll just replace it. He's just waiting to complete the projects.

Alderman Smith interjected that's a very good idea.

Mr. Robert MacKenzie, Director of Planning and Community Development, stated I did want to let the Board know that Mr. DePrima asked to meet with Bill Sanders and myself about a week-and-a-half ago to review this. One of the problems is that the money that FEMA has not designated or given us the exact amounts for the most recent floods so that is part of the difficulty in gauging how much we'll need and how quickly we can get the work done. I think we had been hoping for that extra money from the state but I think we're going to have to look at that again as well but we are going to work with Finance to really try to reconcile all the numbers because we had two different floods and a lot of different factors and those records have to be reconciled and we have not completed that and it may take a couple of weeks to do that.

Alderman O'Neil asked Chuck if there were additional funds this evening could the contractor deliver that project in time for the fall?

Mr. DePrima replied without speaking to the contractor I can't make that guarantee.

Alderman O'Neil stated if it's not going to be ready for the fall then I think the committee needs to revisit the whole issue and I think Alderman Garrity is agreeing with me. What we supported was to get this so that it would be ready for the fall...what's the total cost of the project?

Mr. DePrima replied the total cost of the...

Alderman O'Neil interjected the original project...I know the floods have entered into it.

Mr. DePrima stated the original contractor signed for \$475,000 for the athletic fields and then an additional amount to replace the bridge.

Alderman O'Neil stated we're talking about roughly \$500,000 original contract and I have a concern with then a \$500,000 change order on top of it.

Mr. DePrima stated part of that change order is including money that has previously not been done that they still owe us from the original obligation.

Alderman O'Neil stated I understand that but when I voted for it I was led to believe it was to deliver this project for the fall. So if it's not going to be delivered for the fall we may need to take a look at rebidding it or something...that's an awful lot of money.

Alderman Garrity stated we're not going to solve this problem here tonight so I'll move that it be referred to the Committee on Community Improvement for next week and can we have the contractor at the meeting that would be helpful.

Alderman Osborne duly seconded the motion.

Alderman Forest stated I'm going to agree with Alderman O'Neil. I recall two meetings ago when we originally discussed that project. Your concern was that the contractor's were already there and we asked what you needed and at that time you said \$142,000...that's when I made the recommendation that we take the money from the football field project and of course there was a little discussion and then at our last meeting it was discussed that we could take the money and I had the same impression as Alderman O'Neil that all we needed to finish that project as you said the contractors were there was \$142,000. Now I don't know where that \$500,000 figure has just come up but I'll agree to send it back to CIP but I thought that was to finish the project at least from what I understood what you said at the last meeting and the meeting before that.

Alderman Lopez stated send it to CIP, take a phone call vote and let's get it done.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- 18.** Charter Amendment submitted by Mayor Guinta relative to authorizing the City to enter into a contract of employment with the Airport Director.

Mayor Guinta stated I handed out at the beginning of the meeting a Charter amendment relative to authorizing the City to enter into a contract of employment with the Airport Director. If you read 3.05 the addition is item (b) where it reads:

“(b) Notwithstanding the above provision, the Board of Mayor and Aldermen may enter into an employment contract with a set term with the Airport Director. If exercised, such a contract shall also set forth the terms and conditions of employment of the Airport Director and shall be subject to the provisions of Section 3.06 of this Charter.”

Mayor Guinta stated I did ask the Solicitor to provide us language that would give us by Charter the additional changes required to allow us to move into that direction. So the motion would be?

Deputy City Clerk Johnson replied the motion would be to send it to a public hearing and we would suggest that that be scheduled the same night as the August Board meeting in order to meet the number of days required because you also have to send it to the ballot the same night.

Alderman Pinard moved to refer to public hearing on a date and time to be scheduled by the City Clerk. Alderman Osborne duly seconded the motion.

Alderman Lopez asked can you give us a timeframe for the November ballot, how much time for any changes?

Deputy City Clerk Johnson replied the August date is basically the final date anything could come in because you have a requirement of 60 days before and a 7-day notice on a public hearing plus the public hearing itself and the order to the ballot has to be within that 7-day timeframe so the August date is the last date by law you could submit something.

Alderman Lopez stated if there was another change to the Charter.

Deputy City Clerk Johnson stated that’s what I’m saying it would have to be August and you would have to hold the public hearing almost immediately within a 7-day period to make it.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- 19.** Communication from Leo Bernier, City Clerk, requesting the Board set the polling hours for the Municipal Primary Election scheduled for Tuesday, September 18, 2007, from 6 AM until 7 PM.

Alderman Shea moved to set the polling hours for the September 18, 2007 Primary as outlined. Alderman Gatsas duly seconded the motion. There being none opposed, the motion carried.

- 20.** Communication from Carol Johnson, Deputy City Clerk, submitting a warrant pursuant to RSA 466:14 to be issued to the Chief of Police for civil forfeitures for unlicensed dogs, requesting authorization for the City Clerk to remove names from the listing as deemed appropriate and collect reimbursement for related certified mail costs.

Alderman Osborne moved to accept the warrant for non-renewal of dog licenses. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

- 21.** Communication from Robert MacKenzie, Director of Planning, submitting the final draft of a strategic Neighborhood Plan for Rimmon Heights and seeking the Board's review, approval and/or concurrence.

Alderman Thibault moved to approve the Neighborhood Plan for Rimmon Heights.

Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

- 22.** Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Alderman Duval moved to commit the sewer warrant in the amount of \$127,043.54 to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen.

Alderman Long duly seconded the motion. There being none opposed, the motion carried.

- 23.** Ordinances:

“Amending the Zoning Ordinance of the City of Manchester the Neighborhood Business District (B-1) into an area currently zoned Residential Two Family District (R-2), including two lots, Tax Map 325, Lots 18 and 18A with addresses of 316 and 322 South Main Street and abutting Goffe Street. The intent being that the entirety of these two lots would be in the B-1 District.”

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 315, Lot 8 with an address of 116 South Main Street and abutting Walker Street. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

“Amending Sections 33.024, 33.025, & 33.026 ((Assistant Airport Director (Finance & Administration) to Deputy Airport Director and Property & Contract Administrator to Property & Contract Coordinator)), of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by expanding the Residential Parking Permit Zone #1 in Section 70.55(D)(1) to include a portion of Elm Street.”

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to dispense with the reading of the Ordinances by titles only.

These Ordinances having had their third and final reading, Alderman Osborne moved that the Ordinances pass and be Ordained. Alderman Long duly seconded the motion. The

motion carried with Aldermen Gatsas, Long, Shea, Garrity and Lopez were duly recorded in opposition to the Deputy Airport Director Ordinance.

24. Resolutions:

“Amending the FY2008 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Twenty Five Thousand Dollars (\$225,000) and revising the title of CIP 711408 from “Additional Multi-Space Meters” to “Millyard Parking Plan Implementation.”

“Authorizing the Finance Officer in Fiscal Year 2007 to effect a transfer of Fifty Three Thousand Seven Hundred Fifty Dollars (\$53,750) from Contingency to the Manchester Police Department.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2007.”

On motion of Alderman O’Neil, duly seconded by Alderman Long, it was voted to dispense with the reading of the Resolutions by titles only.

Alderman Long moved that the Resolutions pass and be Enrolled. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEMS

25. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)

(Tabled 09/05/2006)

This item remained tabled.

26. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)

(Tabled 09/05/2006)

This item remained tabled.

- 27.** Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.

(Unanimous vote)

(Tabled 05/15/2007)

This item remained tabled.

- 28.** A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)

(Tabled 06/05/2007)

This item remained tabled.

29. NEW BUSINESS

Alderman Lopez stated the Board of Mayor and Aldermen received correspondence on the potential acquisition of property for the William B. Cashin Senior Center. There's a building over there close by and I would move that the correspondence be referred to Mr.

MacKenzie...he has indicated to me that Grubs & Ellis Real Estate that they're willing to work with the City. This is close to the Senior Center where approximately 40, 50, 60 cars could park there. But, at this state of the game I am asking Mr. MacKenzie to look at it and report back to the Committee on Lands and Buildings. Alderman Thibault duly seconded the motion.

Alderman Gatsas asked can somebody tell me exactly where the proximity...is it an abutter?

Alderman Lopez replied it's right behind the 3-tenement on West Street which is approximately 100 feet away from the Senior Center.

Alderman Gatsas stated so there's a building in between it.

Alderman Thibault stated there's the former Hebert's Auto Parts and the garage.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Alderman Lopez moved to recommend that the policy in reference to the Revolving Loan account to the Finance Officer and the Economic Development Director to review it...dated 02/21/1996 and I note that they've given some money out in the Revolving Loan...just to bring it up to date to make sure that along with the City Solicitor that we're complying with the rules of the Revolving Loan account. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Alderman Shea stated in reviewing the minutes of the Special Board of Trustees meeting dated May 29, 2007 it was reported in a meeting with the City Finance Director and the City Solicitor that the City is proposing to settle a receivable matter from 2004. Now we discussed this at length about the fact that money wasn't paid into the Retirement System of the City employees and the City has agreed to pay \$1.5 million before July 16, 2007 and will continue paying a percentage of weekly salaries through the end of 2007 at the actuary determined rate of 14.51%. Where are we going to get the money to pay this \$1.5 million? Is it going to come from some account that we have?

Mayor Guinta replied it was included in the budget.

Mr. Sanders stated it's included in the budget for fiscal 2008. We're essentially returning to the prior funding method the City utilized three or four years ago.

Alderman Shea stated I didn't hear that.

Mayor Guinta reiterated it was included in the fiscal 2008 budget.

Alderman Shea stated we did lose out on that particular.

Mayor Guinta stated no we're just returning back to the original payment method which addresses the accounting issue.

Alderman Shea stated I'm confused because if we have to pay them \$1.5 million which we said we didn't have to pay...Randy kept saying to us we already paid it and so on and so forth you're really saying that we're really not having to pay the \$1.5...that's where I'm confused a little bit.

Mr. Sanders stated during fiscal 2008 the City of Manchester will pay 12 months worth of pension costs to the Retirement System.

Alderman Shea stated Bill I'm still not picking you up.

Mr. Sanders stated in fiscal 2008 the City of Manchester will pay approximately \$3.2 million in pension costs to the Retirement System.

Alderman Shea asked what do we usually pay?

Mr. Sanders replied \$3.2 million approximately.

Alderman Shea stated we always pay the same amount.

Mr. Sanders stated not exactly. It's based on different rates and different years but we pay about \$3 million a year.

Alderman Shea stated this particular settlement here has nothing to do with our adding any extra costs.

Mr. Sanders stated there's not any extra cost to the City, it was included in the Mayor's budget, it was included in the budget that was approved by the Board of Mayor and Aldermen. There's no extra cost to the City from this settlement.

Mayor Guinta stated one piece of new business I just wanted to make sure everyone is aware of. There was a letter dated July 10th from Mr. Sanders to the Board today...in case you haven't read it it's regarding Lowell Terrace. If you remember at the last meeting we asked Mr. Morgan regarding that property to provide us additional information. We've been notified by the Finance Officer that information has not been received to date, however, it is forthcoming. The failure to provide this information is a violation of Section 9 of the Mortgage and Security Agreement. I would recommend a letter being sent by the Solicitor demanding this information in accordance with the law so we can ensure we're getting a proper review of this parcel...this has been going on for months. So, we've got to send a message.

Alderman Lopez moved to the recommendation of Mayor Guinta regarding Lowell Terrace. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

Alderman Roy stated it came to my attention through the paper and concerns of abutters to the potential project that an application for a cell tower in the Town of Hooksett but directly abutting the Manchester line was submitted. I asked Mr. MacKenzie to look into it. Notice was received by the City Building Department as a general notice and I've asked the Planning Department to look into it. I would ask my colleagues to join me and the abutters on Vasser Street and Bicentennial Drive to take an opposition stance to a cell phone tower within 100 feet of residential neighborhoods even though it is in the Town of Hooksett. So, I'd make that motion and look for a second that we oppose the cell phone tower.

Alderman Osborne duly seconded the motion.

Mayor Guinta asked do we have standing...we're looking into it okay. There being none opposed, the motion carried.

Alderman Roy stated there has been a request by Corcoran Environmental for this Board to support the zoning on Thursday of this week regarding the building of the multi-use recycling facility and I would ask openly that staff send a letter from the Clerk's office to that Board reiterating votes of this Board in the past. I've tried my best to keep, as Solid Waste Chairman, our political involvement out of the involvement of the Planning and the Zoning Boards but we do own the land there. This Board in its current and prior make up has voted many times in support of the project. I know Alderman Forest as the Ward Alderman will be there but I am asking the Clerk and a reiteration from this Board to send a letter to that Board as the property owner in support of the project.

Mayor Guinta stated we don't need a motion for that right.

Alderman Rou stated there is a correction though, your Honor. It's not Thursday, it's Wednesday evening.

Alderman Forest asked are we into my venting stage yet?

Mayor Guinta replied yes.

Alderman Forest stated I know I've prepared a few of my colleagues for this and mainly because there was an article in *The Union Leader* a week or so ago and I think it's *The Union Leader*...I may be wrong. There was an article in *The Union Leader* about Alderman Garrity's park behind the firehouse. Mainly I'm not begrudging the park there are very few parks in the southend and I think it's about time we spent some money down there but my constituents called me and wanted to know why Alderman Garrity got his park and the Parks and Recreation Director made a comment that it would be done in September when there are things in my ward that have been on hold since I was elected in 2001. There are two playgrounds I've been asking for since the beginning...one of them is at Maxwell's...hopefully that will be replaced in May I'm not sure that's a promise...the other one was behind the West Side Arena...I've been told we're going to get some answers on how much they cost...that has not happened since I was elected. The other one is my security system at the West Side Arena and if anyone read the paper today the Police arrested some teenagers there over the weekend that ran away from them, they were apprehended behind the West Side Arena because they were stealing cars on the west side. There are things that my ward has been asking for and I've been asking for and I just want to know...I've been asking to have trees pruned along Upland Street and Bremer Street for over

four years. I expected them to be done a couple of weeks ago...apparently they were not...there's Eddy Road that I've asked for. So I'm here venting tonight because my constituents want to know again why there was \$400,000 approved for a park in somebody's ward and what was supposed to have been approved in my ward for the last four or five years is still on hold and I'm just looking for answers.

Mayor Guinta asked who are you directing the question to?

Alderman Forest replied right now mainly it's Parks and Recreation and Highway and Bob MacKenzie because I have approached Bob MacKenzie on many occasions again for the ballfields, the playgrounds and everything else. I've always been led to believe that the money was there and originally it was and then it was cut out because the budget items in 2002 or 2003 but those two playgrounds are still not there and I've been asking for it for a while and here I am on record wanting to know what's going to happen.

Alderman Lopez stated I think the Aldermen from the west side especially Ward 12 we ought to get all of those projects and get an evaluation from Parks and Recreation for playground equipment and stuff like that and the cost of it and see where it stood in the CIP so we can move forward on it...they deserve some type of answer...we're going to do it or we're not going to do it. Next year they should become a number one priority if the money is not there to do it and would move that the Parks Director give us a complete report to the CIP Committee as to where those projects stand.

Alderman Forest duly seconded the motion.

Alderman O'Neil stated I think we have been following fairly well...I can't tell you at 100% the Parks Master Plan that we did and I think that's how the southend park came up. The only thing I'd ask is where does everything fit into the Parks Master Plan because I think we've been doing a fairly good job.

Mayor Guinta stated that can be included with the report.

Alderman Forest stated that was all asked for before the Master Plan came out...that was one of the first things I did the first year I was elected.

Mayor Guinta stated previous Boards have decided for whatever reason not to fund them...this is a solution hopefully that we'll get this moving forward and allow the constituents of Ward 12 some of the needs that they're asking for.

Alderman Shea stated earlier this evening I said that we only get the answers that we ask for but we don't know what questions to ask and I think part of the problem that he's confronted with and that I ran into the same problem with drainage is the fact that items are on a

list...they're prioritized but somehow or other the list becomes a little bit shaky there and pretty soon three becomes one, one becomes four, two becomes seven, three becomes eight and I don't begrudge anyone but I'm just saying that if something is changed then people on the Board who are directly impacted should know about it because basically they're constituents are really the ones that are being neglected and we represent our constituents and I think that you run into that problem when you were an Alderman and therefore the squeaky wheel gets the grease so to speak...

Mayor Guinta stated and I heard those issues at the Ward 7 meeting which is why we have those and it's not just your ward, it's all areas of the City which is why the response to that was during this budget process providing an option for us to provide with the Rooms & Meals Tax money a funding source for utility, sidewalks, streets, etc. and that's something I hope we can finally support because we have a dedicated revenue stream, we could articulate the needs throughout the City and a plan can be adopted and we can show the people of the City that we are addressing those particular needs in order of importance.

Alderman Shea stated that's one aspect of it and I appreciate that but I think that the salient question is should an Alderman be notified when there is a change made in an anticipated project that they are anticipating on in their ward?

Mayor Guinta interjected the answer is yes.

Alderman Shea stated and the answer is yes and then the reason is why is that being changed and this is what his dilemma has been.

Mayor Guinta stated I agree and the answer is yes.

Alderman Forest stated final point is the West Side Arena security system is still on the table at CIP and was waiting for an answer which I believe the committee has received two meetings ago about Pelmac who puts it in and that's been answered and that was the only thing that was keeping it in your committee.

Alderman O'Neil stated in my opinion it hasn't...one of the questions I had is why are we using infrared lighting for security.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Alderman Gatsas stated it was really on the agenda as Item A but I missed it about the "piano key" style crosswalks within the City. I had asked the Police Department once this came before us if they could tell us in the last 12 months how many citations have been given for failure to yield to a pedestrian and there's only been one and the jaywalkers was the other

question I asked and there's only been 10 of those citations. I would think that somehow if we're zebra stripping these crosswalks at the additional cost we should make sure that people are stopping for pedestrians and I find it almost impossible to believe because I find myself at fault in Manchester but not in Concord because in Concord they take it very seriously.

Deputy Chief Simmons stated certainly we were surprised at the amount of citations we didn't issue. It has not been one of our priorities. When we do enforcement like that it's usually in the downtown area. We receive...in fact we don't even recall receiving complaints in the last year or so relative to issues down there. Certainly with the thought process being that they're going to put those piano style crosswalks in we'll certainly take some enforcement action there to make sure that they're working properly.

Alderman Gatsas stated so when I ask you for this report in six months we're going to see a difference.

Deputy Chief Simmons stated yes.

Alderman Duval stated what Alderman Gatsas is talking about sounds like a quality of life issue but reiterating a statement that was made publicly or in public session by a resident concerning noise violations...it sounds like if you were able to place a cruiser on Bridge Street anywhere near Derryfield Park at any time of the day in particular in the evening or on weekends/holidays you could virtually stay there or up at Trinity High School maybe and catch a number of violators...those driving motorcycles that are unbelievably loud. So, I would like to find out exactly how many citations have been issued for noise violations since spring...pick a month...April or something like that and also the number of noise ordinance violation citations that have been issued to cars...loud exhausts and also establishments. I've called a number of times...I can't tell you how many times I've called with residents complaints for noise violations coming from the Mexicana Club or Club Mexicana whatever they refer to themselves as and it just seems that it's not taken that seriously, Deputy, and I'm really concerned about it. I just don't know what effort the department is putting into making this a priority and trying to really aid residents by minimizing the noise pollution that we have in this community and again I know that there's a laundry list of other things your department has to do but I know that this Board is committed to providing you the resources you need by increasing personnel, I know you're making some headway there and maybe the numbers have increased...I hope they have in terms of the numbers of violators that have been given citations so that we can at least prove to our community that we're taking this issue of noise pollution seriously and it is a significant quality of life issue especially in the inner City wards.

Mayor Guinta asked can you get that to the Board.

Deputy Chief Simmons replied yes I will.

Mayor Guinta stated I sent a letter to the Board regarding items of non-public...we do have to go into non-public to meet with the Chief Negotiator but I would further ask for a motion and a roll call vote to enter into non-public session pursuant to RSA 91 A:2(c) to discuss matters relating to the Fire Department and the Fire Chief.

Alderman Duval moved to enter into non-public session. Alderman Shea duly seconded the motion.

A roll call vote was taken. Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest voted yea. The motion carried.

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted to re-enter public session.

There being no further business to come before the Board, on motion of Alderman O'Neil, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

City Clerk